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HOUSE BILL NO. 2380

Offered January 10, 2001

Prefiled January 10, 2001

A BILL to amend and reenact §§ 46.2-711, 46.2-2000, 46.2-2000.1, 46.2-2001, 46.2-2005, 46.2-2011, 46.2-2011.1, 46.2-2100, 46.2-2101, 46.2-2102, and 46.2-2109 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 46.2-2000.3, 46.2-2001.1, 46.2-2001.2, 46.2-2001.3, 46.2-2005.1, and 46.2-2011.2 through 46.2-2011.32; and by adding in Chapter 20 of Title 46.2 an article numbered 2, consisting of sections numbered 46.2-2051 through 46.2-2058, an article numbered 3, consisting of sections numbered 46.2-2059 through 46.2-2067, an article numbered 4, consisting of sections numbered 46.2-2068, 46.2-2069, and 46.2-2070, an article numbered 5, consisting of sections numbered 46.2-2071, 46.2-2072, and 46.2-2073, an article numbered 6, consisting of sections numbered 46.2-2074 through 46.2-2096, an article numbered 7, consisting of sections numbered 46.2-2097 through 46.2-2099.1, an article numbered 8, consisting of sections numbered 46.2-2099.2 and 46.2-2099.3, an article numbered 9, consisting of sections numbered 46.2-2099.4 through 46.2-2099.16, an article numbered 10, consisting of sections numbered 46.2-2099.17, 46.2-2099.18, and 46.2-2099.19, an article numbered 11, consisting of sections numbered 46.2-2099.20 through 46.2-2099.30, an article numbered 12, consisting of sections numbered 46.2-2099.31 through 46.2-2099.40, and an article numbered 13, consisting of sections numbered 46.2-2099.41, 46.2-2099.42, and 46.2-2099.43; sections numbered 46.2-2108.1 through 46.2-2108.6; and by adding in Chapter 21 of Title 46.2 sections numbered 46.2-2114.1 through 46.2-2140, an article numbered 2, consisting of sections numbered 46.2-2141 through 46.2-2146, an article numbered 3, consisting of sections numbered 46.2-2147 and 46.2-2148, an article numbered 4, consisting of sections numbered 46.2-2149 through 46.2-2173, and an article numbered 5, consisting of sections numbered 46.2-2174, 46.2-2175, and 46.2-2176; and to repeal §§ 46.2-757 through 46.2-768, 46.2-2000.2, 46.2-2002, 46.2-2003, 46.2-2004, 46.2-2006 through 46.2-2010, 46.2-2012 through 46.2-2050, 46.2-2103 through 46.2-2108, 46.2-2110 through 46.2-2114, 46.2-2200 through 46.2-2209, 46.2-2300 through 46.2-2316, 46.2-2400 through 46.2-2409, 46.2-2500 through 46.2-2519, and 46.2-2600 through 46.2-2610 of the Code of Virginia, relating to motor carriers.

Patron—Landes

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-711, 46.2-2000, 46.2-2000.1, 46.2-2001, 46.2-2005, 46.2-2011, 46.2-2011.1, 46.2-2100, 46.2-2101, 46.2-2102, and 46.2-2109 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 46.2-2000.3, 46.2-2001.1, 46.2-2001.2, 46.2-2001.3, 46.2-2005.1, and 46.2-2011.2 through 46.2-2011.34; and by adding in Chapter 20 of Title 46.2 an article numbered 2, consisting of sections numbered 46.2-2051 through 46.2-2058, an article numbered 3, consisting of sections numbered 46.2-2059 through 46.2-2067, an article numbered 4, consisting of sections numbered 46.2-2068, 46.2-2069, and 46.2-2070, an article numbered 5, consisting of sections numbered 46.2-2071, 46.2-2072, and 46.2-2073, an article numbered 6, consisting of sections numbered 46.2-2074 through 46.2-2096, and article numbered 7, consisting of sections numbered 46.2-2097 through 46.2-2099.1, an article numbered 8, consisting of sections numbered 46.2-2099.2 and 46.2-2099.3, an article numbered 9, consisting of sections numbered 46.2-2099.4 through 46.2-2099.16, an article numbered 10, consisting of sections numbered 46.2-2099.17, 46.2-9918, and 46.2-2099.19, an article numbered 11, consisting of sections numbered 46.2-2099.20 through 46.2-2099.30, an article numbered 12, consisting of sections numbered 46.2-2099.31 through 46.2-2099.40, and an article numbered 13, consisting of sections numbered 46.2-2099.41, 46.2-2099.42, and 46.2-2099.43; sections numbered 46.2-2108.1 through 46.2-2108.6; and by adding in Chapter 21 of Title 46.2 sections numbered 46.2-2115 through 46.2-2140, an article numbered 2, consisting of sections numbered 46.2-2141 through 46.2-2146, an article numbered 3, consisting of sections numbered 46.2-2147 and 46.2-2148, an article numbered 4, consisting of sections numbered 46.2-2149 through 46.2-2173, and an article numbered 5, consisting of sections numbered 46.2-2174, 46.2-2175 and 46.2-2176, as follows:

§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.

A. The Department shall furnish one license plate for every registered motorcycle, tractor truck, semitrailer, or trailer, and two license plates for every other registered motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles who shall be furnished one license plate.

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HB2380

59 The license plates for trailers, semitrailers, commercial vehicles, and trucks, other than license plates for
 60 dealers, may be of such design as to prevent removal without mutilating some part of the indicia
 61 forming a part of the license plate, when secured to the bracket.

62 B. The Department shall issue appropriately designated license plates for:

- 63 1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips;
- 64 2. Taxicabs;
- 65 3. Executive sedans as defined in § 46.2-2500;
- 66 4. Limousines as defined in § 46.2-2500;
- 67 5. Passenger-carrying vehicles operated by common carriers or restricted common carriers;
- 68 6. Property-carrying motor vehicles to applicants who operate as private carriers only;
- 69 7. Applicants who operate motor vehicles as carriers for rent or hire; and
- 70 8. Trailers and semitrailers.

71 C. The Department shall issue appropriately designated license plates for motor vehicles held for
 72 rental as defined in § 58.1-2401.

73 D. No vehicles shall be operated on the highways in the Commonwealth without displaying the
 74 license plates required by this chapter.

75 E. Pickup or panel trucks are exempt from the provisions of subsection B of this section with
 76 reference to displaying for-hire license plates when operated as a carrier for rent or hire. *However, this*
 77 *exemption shall not apply to pickup or panel trucks subject to regulation under Chapter 21 (§ 46.2-2100*
 78 *et seq.) of this title.*

79 CHAPTER 20.

80 Regulation of Motor Vehicle ~~REGULATION OF PASSENGER CARRIERS.~~ Carriers Generally 81 Article 1.

82 Motor Carriers of Passengers - Generally.

83 § 46.2-2000. Definitions.

84 Whenever used in this chapter unless expressly stated otherwise:

85 "*Authorized insurer*" means, in the case of an interstate motor carrier whose operations may or may
 86 not include intrastate activity, an insurer authorized to transact business in any one state, or, in the
 87 case of a solely intrastate motor carrier, an insurer authorized to transact business in the
 88 Commonwealth.

89 "Broker" means any person not included in the term "motor carrier" and not a bona fide employee or
 90 agent of any such carrier, who, as principal or agent, sells or offers for sale any transportation subject to
 91 this chapter, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one
 92 who sells, provides, furnishes, contracts, or arranges for such transportation.

93 "*Carrier by motor launch*" means a common carrier or contract carrier authorized to transport
 94 passengers under the provisions of this chapter, which carrier uses one or more motor launches
 95 operating on the waters within the Commonwealth.

96 "*Certificate*" means a certificate of public convenience and necessity or a certificate of fitness.

97 "*Certificate of fitness*" means a certificate issued by the Department to a contract bus carrier.

98 "~~Certificate~~" "*Certificate of public convenience and necessity*" means a certificate of public
 99 convenience and necessity issued by the Department of Motor Vehicles to common carriers by motor
 100 vehicle and certain restricted common carriers by motor vehicle under this chapter authorizing the
 101 transportation of passengers over the public highways of the Commonwealth; but nothing contained in
 102 this chapter shall be construed to mean that the Department can issue any such certificate authorizing
 103 intracity transportation.

104 "*Charter bus*" means a motor vehicle manufactured with a minimum seating capacity of thirty-two
 105 passengers or more, excluding the driver.

106 "~~Common carrier by motor vehicle~~" means any person who undertakes, whether directly or by a
 107 lease or any other arrangement, to transport passengers for the general public by motor vehicle for
 108 compensation over the highways of the Commonwealth, whether over regular or irregular routes,
 109 including such motor vehicle operations of carriers by rail or water under this chapter.

110 "*Contract bus carrier*" means a motor carrier that operates solely charter buses as defined in this
 111 section to transport passengers for compensation under individual contracts or agreements whereby no
 112 individual or separate fares are solicited, charged, collected or received by the carrier.

113 "*Contract carrier*" means any person who, under special and individual contracts or agreements, and
 114 whether directly or by a lease or any other arrangement, transports passengers for compensation.

115 "*Contract passenger carrier*" means a motor carrier that transports passengers for compensation
 116 under individual contracts or agreements whereby no individual or separate fares are solicited, charged,
 117 collected or received by the carrier.

118 "*Department*" means the Department of Motor Vehicles.

119 "*Employee hauler*" means a motor carrier operating for compensation and exclusively transporting
 120 only bona fide employees directly to and from the factories, plants, office or other places of like nature

where the employees are employed and accustomed to work.

"Excursion train" means any steam-powered train that carries passengers for which the primary purpose of the operation of such train is the passengers' experience and enjoyment of this means of transportation, and does not, in the course of operation, carry (i) freight other than the personal luggage of the passengers or crew or supplies and equipment necessary to serve the needs of the passengers and crew, (ii) passengers who are commuting to work, or (iii) passengers who are traveling to their final destination solely for business or commercial purposes.

"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 this chapter.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys in towns and cities.

"Identification marker" means a decal or other visible identification issued by the Department to show (i) that the operator of the vehicle has registered with the Department for the payment of the road tax imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, (ii) proof of the possession of a certificate or permit issued pursuant to Chapter 20 (§ 46.2-2000 et seq.) of this title, or (iii) proof of compliance with the insurance requirements of this chapter.

"Interstate" means transportation of passengers between states.

"Intrastate" means transportation of passengers solely within a state.

"License" means a license issued by the Department to a broker.

"Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than sixteen passengers, excluding the driver, and used in the transportation of passengers.

"Motor carrier" includes a common carrier by motor vehicle and a restricted common carrier by motor vehicle means any person who undertakes, whether directly or by lease, to transport passengers for compensation over the highways of the Commonwealth.

"Motor launch" means a motor vessel that meets the requirements of the U.S. Coast Guard for the carriage of passengers for compensation, with a capacity of six or more passengers, but not in excess of fifty passengers. Motor launch, as defined herein, shall not include sight-seeing vessels, special or charter party vessels within the provisions of this chapter. A carrier by motor launch shall not be regarded as a steamship company.

"Nonprofit/tax-exempt passenger carrier" means a bona fide nonprofit corporation organized or existing under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1, or a tax-exempt organization as defined in §§ 501 (c)(3) and 501 (c)(4) of the United States Internal Revenue Code, as from time to time amended, who undertakes, whether directly or by lease, to control and operate minibuses exclusively in the transportation, for compensation, of members of such organization if it is a membership corporation, or of elderly, handicapped or economically disadvantaged members of the community if it is not a membership corporation.

"Operation" or "operations" includes the operation of all motor vehicles as defined in this section, whether loaded or empty, whether for compensation or not, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

"Operator" means the employer or person actually driving a motor vehicle or combination of vehicles.

"Permit" means a permit issued by the Department to ~~contract carriers by motor vehicle~~, carriers operating as employee haulers or nonprofit/tax-exempt passenger carriers or to operators of taxicabs or other vehicles performing taxicab service under this chapter.

"Person" means any individual, firm, copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"Restricted common carrier ~~by motor vehicle~~" means any person who undertakes, whether directly or by a lease or other arrangement, to transport passengers ~~or household goods of any restricted class or classes by motor vehicle~~ for compensation, ~~whether over regular or irregular routes whereby such transportation service has been restricted.~~

"Route," when used in connection with or with respect to a certificate of public convenience and necessity, means the road or highway, or segment thereof, operated over by the holder of a certificate of public convenience and necessity or proposed to be operated over by an applicant therefore, whether such road or highway is designated by one or more highway numbers.

"Services" and "transportation;" include the service of, and all transportation by, all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, expressed or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of passengers ~~or property~~ or the performance of any service in connection therewith.

"Sight-seeing carrier" means a restricted common carrier authorized to transport passengers under

182 *the provisions of this chapter, whereby the primary purpose of the operation is the passengers'*
183 *experience and enjoyment and/or the promotion of tourism.*

184 *"Sight-seeing carrier by boat" means a restricted common carrier authorized to transport passengers*
185 *under the provisions of this chapter, which restricted common carrier uses a boat or boats operating on*
186 *waters within the Commonwealth, and whereby the primary purpose of the operation is the passengers'*
187 *experience and enjoyment and/or the promotion of tourism. Sight-seeing carriers by boat shall not be*
188 *regarded as steamship companies.*

189 *"Single state insurance receipt" means any receipt issued pursuant to 49 C.F.R. 367 evidencing that*
190 *the carrier has the required insurance and paid the requisite fees to the Commonwealth and other*
191 *qualified jurisdictions.*

192 *"Special or charter party carrier by boat" for purposes of this chapter shall mean a restricted*
193 *common carrier authorized to transport groups of persons under a single contract made with one*
194 *person for an agreed charge for such movement regardless of the number of persons transported.*
195 *Special or charter party carriers by boat shall not be regarded as steamship companies.*

196 *"Taxicab or other motor vehicle performing a taxicab service" means any motor vehicle having a*
197 *seating capacity of not more than six passengers, not operating on a regular route or between fixed*
198 *terminals used in the transportation of passengers for hire or for compensation, and not a common*
199 *carrier or restricted common carrier as defined in this chapter.*

200 § 46.2-2000.1. Vehicles excluded from operation of chapter.

201 This chapter shall not be construed to include:

202 1. Motor vehicles employed solely in transporting school children and teachers;

203 2. Taxicabs, or other motor vehicles performing bona fide taxicab service, having a seating capacity
204 of not more than six passengers, while operating in a county, city, or town which has or adopts an
205 ordinance regulating and controlling taxicabs and other vehicles performing a bona fide taxicab service,
206 and not operating on a regular route or between fixed termini. Each operator of a motor vehicle
207 performing a bona fide taxicab service shall file insurance as required under ~~§ 46.2-2028~~ unless evidence
208 can be shown the Department that the operator is a self-insurer under an ordinance of the city or county
209 where the home office of the operator is located; and failure to keep insurance in force shall subject the
210 operator to cancellation of any authority under this chapter;

211 3. Motor vehicles owned or operated by or on behalf of hotels while used exclusively for the
212 transportation of hotel patronage between hotels and local railroad or other common carrier stations;

213 4. Motor vehicles owned and operated by the United States, the District of Columbia, or any state, or
214 any municipality or any other political subdivision of this Commonwealth, including vehicles used
215 exclusively for handling United States mail, and passenger-carrying motor vehicles while being operated
216 under an exclusive contract with the United States;

217 5. Motor vehicles while used exclusively in transporting only bona fide employees directly to and
218 from the factories, plants, offices or other places of like nature where they are employed and
219 accustomed to work. The operator of such vehicle shall first secure from the Department a permit, and
220 the necessary identification marker for each vehicle so operated, neither of which shall be issued by the
221 Department unless the applicant furnishes to the Department at the time the application is made, a
222 statement in writing signed by the applicant (i) setting forth the names and locations of the factories,
223 plants, offices or other places of like nature to and from which the applicant proposes to operate and (ii)
224 stating that such applicant will transport only bona fide employees of such factories, plants, offices or
225 like places to and from work; the permit shall be subject to revocation or suspension, and the holder
226 thereof subject to the imposition of penalties by the Department for any of the causes and in the manner
227 and to the extent provided for by the Department. Any permit issued by the Department under the
228 provisions of this section prior to July 1, 1950, shall, unless suspended or revoked as herein provided,
229 continue to be valid; but any such permit or permit holder shall in all other respects be subject to the
230 provisions of this section;

231 6. 5. Any motor vehicle while transporting not more than fifteen passengers in addition to, *excluding*
232 *the driver, if the driver and the passengers are engaged in a share-the-ride undertaking and if they share*
233 *not more than the expenses of operation of the vehicle. Regular payments, toward a capital recovery*
234 *fund or used to pay for leasing the vehicle are to be considered eligible expenses of operation;*

235 7. Motor 6. *Unless otherwise provided, motor vehicles while used exclusively in the transportation of*
236 *passengers within the corporate limits of incorporated cities or towns, and motor vehicles used*
237 *exclusively in the regular transportation of passengers within the boundaries of such cities or towns and*
238 *adjacent counties where such vehicles are being operated by such county or pursuant to a contract with*
239 *the board of supervisors of such county;*

240 8. Minibuses controlled and operated by a bona fide nonprofit corporation organized or existing
241 under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 of the Code of Virginia, or by a tax-exempt
242 organization as defined in §§ 501 (c) (3) and 501 (c) (4) of the United States Internal Revenue Code, as
243 from time to time amended, while used exclusively in the transportation, for hire, for compensation, or

otherwise, of members of such organization if it is a membership corporation, or of elderly, handicapped or economically disadvantaged members of the community served by such organization if it is not a membership corporation. Such minibuses shall not be operated over the same or an adjacent route and on a similar schedule as a holder of a certificate of public convenience and necessity or as a public transportation authority. Each operator of a minibus hereby excluded shall be issued an identification marker under subsection C of § 46.2-761 and shall file insurance as required under § 46.2-2028 unless evidence can be shown to the Department that the operator is a self-insurer under an ordinance of the city or an ordinance of the county where the registered office of the operator is located. Failure to keep insurance in force shall subject the operator to cancellation of its exemption card and withdrawal of its classification plate;

9. 7. Motor vehicles while operated under the exclusive regulatory control of a transportation district commission acting pursuant to Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2;

10. One insured vehicle which is owned by a person as defined in § 46.2-2000 and which is more than fifty years old, when operated during the daytime on trips returning to the point of origin;

11-8. Motor vehicles used for the transportation of passengers by nonprofit, nonstock corporations funded solely by federal, state or local subsidies, the use of which motor vehicles are restricted as to regular and irregular routes to contracts with four or more counties and, at the commencement of the operation, no certificated carrier provides the same or similar services within such counties.

§ 46.2-2000.3. *Disposition of funds collected.*

Except as otherwise provided, all fees collected by the Department pursuant to this chapter shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

§ 46.2-2001. Regulation by Department; reports; prevention of discrimination; regulation of leasing of motor vehicles.

The Department shall supervise, regulate and control all ~~common carriers by motor vehicle and restricted common carriers by motor vehicle, motor carriers, carriers by water or rail, and brokers not exempted under this chapter~~ doing business in the Commonwealth, and all matters relating to the performance of their public duties and their charges therefor *as provided by this chapter*, and shall correct abuses therein by such carriers; and to that end the Department shall, ~~from time to time, may~~ prescribe reasonable rules, regulations, forms and reports for such carriers *and brokers* in furtherance of the administration and operation of this chapter; and the Department shall have the right at all times to require from such motor carriers, *carriers by water or rail, and brokers* special reports and statements, under oath, concerning their business.

The Department shall, ~~from time to time~~, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any carrier *or broker* in favor of, or against, any person, locality, community or connecting carrier in the matter of service, schedule, efficiency of transportation or otherwise, in connection with the public duties of such carrier *or broker*. The Department shall administer and enforce all provisions of this chapter, and *may* prescribe reasonable rules, regulations and procedure looking to that end.

The Department may, ~~from time to time~~, prescribe and enforce such reasonable requirements, rules and regulations in the matter of leasing of motor vehicles as are necessary to prevent evasion of the Department's regulatory powers. ~~This power of the Department to regulate leasing shall not be limited to those motor carriers of property doing business in this Commonwealth but shall include all persons not otherwise exempted who are operating motor vehicles on any highway in Virginia.~~

§ 46.2-2001.1. *License, permit, or certificate required.*

It shall be unlawful for any person to operate, offer, advertise, provide, procure, furnish, or arrange by contract, agreement, or arrangement to transport passengers for compensation as a broker, motor carrier, excursion train operator, sight-seeing carrier by boat, special or charter party carrier by boat, or a carrier by motor launch without first obtaining a license, permit, or certificate, unless otherwise exempted, as provided in this chapter.

§ 46.2-2001.2. *Identification marker required.*

Each motor carrier shall be issued an identification marker, unless the operation is interstate in nature and the carrier has been issued a single state registration receipt by the Department or other qualified jurisdiction. The identification marker issued by the Department shall be displayed on each vehicle as prescribed by the Department.

§ 46.2-2001.3. *Application; notice requirements.*

A. Applications for a license, permit, certificate, or identification marker under this chapter shall be made to the Department and contain such information and exhibits as the Department shall require. Such information shall include, in the application or otherwise, the matters set forth in § 46.2-2026 as grounds for denying licenses, permits, and certificates, and other pertinent matters requisite for the safeguarding of the public interest.

B. An applicant for any original certificate of public convenience and necessity issued under this chapter, or any request for a transfer of such certificate, unless otherwise provided, shall cause a notice of such application, on the form and in the manner prescribed by the Department, on every motor carrier holding the same type of certificate issued by the Department and operating or providing service within the area proposed to be served by the applicant.

C. An applicant for any original certificate or license issued under this chapter, or any request for a transfer of such certificate or license, shall cause a notice of such application, on the form and in the manner prescribed by the Department, on every affected person who has requested notification.

D. An applicant for any original certificate or license issued under this chapter, or any request for a transfer of such certificate or license, shall cause a publication of a summary of the application to be made in a newspaper having a general circulation in the proposed area to be served or area where the primary business office is located within such time as the Department may prescribe.

§ 46.2-2005. Hearing on application for license or certificate.

~~The~~ Upon the filing of an application for an original license or certificate as required under this chapter, or any request for a transfer of such license or certificate, the Department shall ~~prescribe the form of the~~ fix a time and place of hearing on an application for a certificate of convenience and necessity, and such reasonable requirements as to notices, publication, proof of service and information as may in its judgment be necessary therefor if such application is protested by any interested party, or evidence would warrant further investigation by the Department. Interested parties may protest an application by submitting written grounds to the Department setting forth (i) a precise statement of the party's interest and how the party could be aggrieved if the application were granted; (ii) a full and clear statement of the facts that the person is prepared to provide by competent evidence; (iii) a statement of the specific relief sought; (iv) the case number assigned to the application; and (v) a certification that a copy of the protest was sent to the applicant.

§ 46.2-2005.1. Determination for issuance for license, permit, or certificate.

If the Department finds the applicant for a license, permit, or certificate has met all the requirements of this chapter, it shall issue a license, permit, or certificate to the applicant, subject to such terms, limitations, and restrictions as the Department may deem proper.

§ 46.2-2011. Considerations for determination of issuance of license or certificate.

In determining whether ~~the~~ a license or certificate required by this chapter shall be granted, the Department may, among other things, consider the ~~present transportation facilities over the proposed route of the applicant or, in the case of irregular route applications within the applicant's proposed service area, the volume of traffic over such route or, in the case of irregular route applications within the proposed service area, the financial condition of the applicant, and the condition of the highway over the proposed route or routes or, in the case of passenger applications, within the proposed service area the applicant's experience, qualifications, character, fitness, financial responsibility, and compliance with the requirements of this chapter.~~

§ 46.2-2011.1. Issuance of temporary authority.

To enable the provision of service for which there is an immediate and urgent need to a point or between points in Virginia where certificated carriers are unable to perform the service, or within a territory having no certificated carrier, the Department may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a carrier that would otherwise be required to obtain a certificate of public convenience and necessity under this title. Such temporary authority, unless suspended or revoked for good cause in accordance with § 46.2-2011.26, shall be valid for such time as the Department shall specify, but for not more than an aggregate of 180 days, and shall create no presumption of public convenience and necessity or that corresponding permanent authority will be granted thereafter.

§ 46.2-2011.2. Temporary emergency operation.

In an emergency, the Department or its agents may, by letter, telegram, or other means, authorize a vehicle to be operated in the Commonwealth without a proper registration card or identification marker for not more than ten days.

§ 46.2-2011.3 Issuance, expiration, and renewal of license, permit, certificate, and identification marker.

A. All licenses, permits, certificates, and identification markers issued under this chapter shall be issued for a period of twelve consecutive months except, at the discretion of the Department, the periods may be adjusted as is necessary. The expiration date shall be the last day of the twelfth month of validity or the last day of the designated month. Every license, permit, certificate, and identification marker shall be renewed annually on an application prescribed by the Department, the renewal to take effect on the first day of the succeeding month. The Department may offer an optional multi-year license, permit, or certificate.

B. Licenses, permits, and certificates issued under this chapter shall be deemed not to have expired if the renewal application is received by the Department or postmarked on or before the expiration date of

such license, permit, or certificate. Licenses, permits, and certificates that have expired shall not be renewed or reinstated.

C. The Department shall renew a license, permit, certificate, or identification marker if the Department finds that the licensee, permittee, or certificate holder is in compliance with the provisions of this chapter and regulations of the Department, and the terms, limitations, and restrictions of the previously issued license, permit, or certificate.

§ 46.2-2011.4. Conversion of old license plates, permits, and certificates.

A. All licenses, permits, and certificates issued prior to January 1, 2002, shall be null and void on July 1, 2002. Prior to July 1, 2002, brokers, common carriers by motor vehicle, restricted common carriers by motor vehicle, taxicabs or other motor vehicles performing a taxicab service, special or charter parties by boat, sight-seeing carriers, special or charter party carriers, excursion trains, carriers by motor launch, limousines, executive sedans, and sight-seeing carriers by boat shall reapply for their license, permit, or certificate issued to them and be issued a replacement. Any application for a replacement license, permit, or certificate received by the Department or received in an envelope bearing a postmark showing it was mailed prior to midnight, June 30, 2002, shall be deemed to have fulfilled the requirements of this section. The new license, permit, or certificate shall reflect the same or new classification for and contain the same requirements and restrictions as the original license, permit, or certificate. The new license, permit, or certificate shall expire each year, as provided under this chapter, and be renewed annually in accordance with this chapter. No fee shall be charged for the replacement or renewal of the license, permit, or certificate.

B. If a broker, motor carrier, or water or rail passenger carrier does not apply for a replacement license, permit, or certificate prior to July 1, 2002, and allows the original to expire, any application received shall be treated as an original application and the broker, motor carrier, or water or rail carrier shall be required to comply with all requirements in effect at the time the application is received.

C. Replacement certificates issued for limousine, executive sedan and special or charter party certificates shall be reclassified as contract passenger certificates.

§ 46.2-2011.5. Filing and application fees.

Unless otherwise provided, every applicant for an original license, permit, or certificate issued under this chapter and transfer of a license or certificate under the provisions of this chapter shall, upon the filing of an application, deposit with the Department, as a filing fee, a sum in the amount of fifty dollars. The Department shall collect a fee of three dollars for the issuance of a duplicate license, permit, or certificate.

§ 46.2-2011.6. Vehicle fees.

Every person that operates a passenger vehicle for compensation over the highways of the Commonwealth shall be required to pay an annual fee of three dollars for each vehicle. However, if the vehicle is a qualified highway vehicle under the provisions of § 58.1-2700 et seq., Virginia Road Tax, the fee shall not be required.

§ 46.2-2011.7. Certificate holders must provide services.

Every holder of a certificate of public convenience and necessity shall provide services in accordance with this chapter and any terms, limitations, conditions, or restrictions as the Department may place on such certificate.

§ 46.2-2011.8. Transfers and leases of licenses or certificates.

Any license or certificate issued under this chapter may be transferred or leased, subject to the approval of the Department, and under such reasonable rules and regulations as may be prescribed by the Department. An application for such approval shall be made jointly by the transferor and transferee, or lessor or lessee. The transfer or lease of a license or certificate can only be made upon a satisfactory showing that such purchaser, transferee, or lessee can and will comply with the applicable motor carrier or broker laws, rules and regulations of the Department, is fit, willing and able to properly perform the services, and all taxes due the Commonwealth have been paid, or payment guaranteed.

§ 46.2-2011.9. Bond and letter of credit requirements.

A. Every applicant for an original, second-year renewal, and third-year renewal of a certificate under this chapter shall obtain and file with the Department a surety bond or an irrevocable letter of credit, in addition to any other bond or letter of credit required by law, in the amount of \$25,000. The bond or letter of credit shall be in a form and content acceptable to the Department. The bond or letter of credit shall be conditioned on a statement by the applicant that the applicant will not practice fraud, make any fraudulent representation, or violate any provision of this chapter in the conduct of the applicant's business. The Department may, without holding a hearing, suspend the certificate during the period that the certificate holder does not have a sufficient bond or letter of credit on file.

B. Every applicant for an original and subsequent renewal license pursuant to this chapter shall

428 obtain and file with the Department a surety bond or an irrevocable letter of credit, in addition to any
429 other bond or letter of credit required by law, in the amount of \$25,000. The bond or letter of credit
430 shall be in a form and content acceptable to the Department. The bond or letter of credit shall be
431 conditioned on a statement by the applicant that the applicant will not practice fraud, make any
432 fraudulent representation, or violate any provision of this chapter in the conduct of the applicant's
433 business. The Department may, without holding a hearing, suspend the license during the period that the
434 licensee does not have a sufficient bond or letter of credit on file.

435 C. If a person suffers any of the following: (i) loss or damage in connection with the transportation
436 service by reason of fraud practiced on him or fraudulent representation made to him by a licensee or
437 certificate holder or his agent or employee acting within the scope of employment; (ii) loss or damage
438 by reason of a violation by a licensee or certificate holder or his agent or employee of any provision of
439 this chapter in connection with the transportation service; or (iii) loss or damage resulting from a
440 breach of a contract entered into on or after the effective date of this act, that person shall have a
441 claim against the licensee or certificate holder's bond or letter of credit, and may recover from such
442 bond or letter of credit the amount awarded to such person by final judgment of a court of competent
443 jurisdiction against the licensee or certificate holder as a result of such loss or damage up to, but not
444 exceeding, the amount of the bond or letter of credit.

445 D. The licensee or certificate holder's surety shall notify the Department when a claim is made
446 against a licensee or certificate holder's bond, when a claim is paid and when the bond is canceled.
447 Such notification shall include the amount of a claim and the circumstances surrounding the claim.
448 Notification of cancellation shall include the effective date and reason for cancellation.

449 E. The surety on any bond filed by a licensee or certificate holder shall be released and discharged
450 from all liability accruing on such bond after the expiration of sixty days from the date on which the
451 surety files with the Department a written request to be released and discharged. Such request shall not
452 operate to relieve, release or discharge the surety from any liability already accrued or which shall
453 accrue before the expiration of the sixty-day period.

454 § 46.2-2011.10. Advertisements.

455 A. No person shall advertise or permit to be advertised by any means a transportation service unless
456 such person first obtains a license, permit, or certificate authorizing such service as provided in this
457 chapter. Whenever any licensee, permittee, or certificate holder places an advertisement in any
458 newspaper or publication advertising a transportation service, there shall appear within such
459 advertisement the license, permit, or certificate number. If multiple licenses, permits, or certificates are
460 held, only one number must appear.

461 B. It shall be unlawful for any licensee, permittee, or certificate holder to knowingly advertise by any
462 means any assertion, representation, or statement of fact that is untrue, misleading, or deceptive relating
463 to the conduct of the business for which a license, permit, or certificate is held.

464 C. The requirement of subsection A of this section to include a license, permit, or certificate number
465 in advertisements shall not apply to excursion train operators, sight-seeing carriers by boat, special or
466 charter party carriers by boat, and carriers by motor launch.

467 § 46.2-2011.11. Established place of business.

468 A. No license or certificate shall be issued to any applicant that does not have an established place
469 of business, owned or leased by the applicant, where a substantial portion of the activity of the motor
470 carrier or broker business will be routinely conducted and that:

471 1. Satisfies all applicable local zoning regulations;

472 2. Houses all records that the motor carrier or broker is required to maintain by this chapter or by
473 regulations promulgated pursuant to this chapter; and

474 3. Is equipped with a working telephone listed in the name of the motor carrier or broker.

475 B. Every licensee and certificate holder shall maintain an established place of business in
476 accordance with subsection A of this section and keep on file a physical address with the Department.
477 Every licensee and certificate holder shall inform the Department of any changes to the motor carrier
478 or broker's mailing address, physical location, telephone number, and legal status, legal name of
479 company, or trade name of company within thirty days of such change.

480 § 46.2-2011.12. Transportation of baggage with passengers.

481 A certificate authorizing the transportation of passengers as a motor carrier shall also be deemed to
482 include authority to transport in the same vehicle with passengers the baggage of passengers.

483 § 46.2-2011.13. Stowing of baggage, parcels, etc.

484 Motor carriers transporting baggage or other property of passengers shall do so only when such
485 articles are stowed in a manner to assure:

486 1. Unrestricted freedom of motion to the driver for proper operation of the vehicle.

487 2. Unobstructed passage to regular and emergency exits by any person.

488 3. Adequate protection from personal injury that may result from the displacement or fall of such
489 articles.

§ 46.2-2011.14. Notice of abandonment of service.

Every motor carrier, broker, excursion train operator, sight-seeing carrier by boat, special or charter party carrier by boat, or carrier by motor launch who ceases operation or abandons his rights under a license, certificate, or permit issued shall notify the Department within thirty days of such cessation or abandonment.

§ 46.2-2011.15. Department may seek judgment for refunds due public and collect and distribute same.

If any motor carrier, broker, sight-seeing carrier by boat, or carrier by motor launch, upon the final decision of an appeal from the action of the Department prescribing rates, charges, tariffs, or classification of traffic, confirming or modifying the action of the Department, fails to refund in the manner and within the time prescribed in the notice of the Department all amounts that the appealing carrier or broker may have collected, pending the appeal, in excess of that authorized by such final decision, upon notice to such carrier or broker by the Department of such final decision, then the Department, after thirty days' notice to any such carrier or broker, may, unless the amount required by such final decision is paid to the Department, seek judgment in the name of the Commonwealth, for the use of the persons, firms and corporations entitled to the same, against any such carrier or broker for the aggregate amount of such collections and for costs, and may enforce the amount of such judgment and costs by process of execution, as provided by law. The Department shall, upon the collection of such judgment, forthwith distribute the amount thereof among the parties entitled thereto, respectively, in such manner as it may by its rules or regulations prescribe, and shall, upon the payment or collection of any such judgment, mark the same satisfied upon its records, and have the same entered satisfied on the judgment lien docket of the court where the same may have been docketed; the satisfaction of any such judgment shall be a bar to any further action or recovery against any such carrier or broker to the extent of such recovery.

§ 46.2-2011.16. Reports, records, etc.

A. The Department is hereby authorized to require annual, periodical, or special reports from motor carriers, except such as are exempt from the operation of the provisions of this chapter; to prescribe the manner and form in which such reports shall be made; and to require from such carriers specific answers to all questions upon which the Department may deem information to be necessary. Such reports shall be under oath whenever the Department so requires. The Department may also require any motor carrier to file with it a true copy of each or any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to the provisions of this chapter.

B. The Department may, in its discretion, prescribe (i) the forms of any and all accounts, records, and memoranda to be kept by motor carriers and (ii) the length of time such accounts, records, and memoranda shall be preserved, as well as of the receipts and expenditures of money. The Department or its employees shall at all times have access to all lands, buildings, or equipment of motor carriers used in connection with their operations and also all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept, or required to be kept, by motor carriers. The Department and its employees shall have authority to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept by such carriers. These provisions shall apply to receivers of carriers and to operating trustees and, to the extent deemed necessary by the Department, to persons having control, direct or indirect, over or affiliated with any motor carrier.

C. As used in this section the term "motor carriers" includes brokers, excursion train operators, sight-seeing carriers by boat, special or charter party carriers by boat, and carriers by motor launch.

§ 46.2-2011.17. Certificate, license, or permit holder not relieved of liability for negligence.

Nothing in this chapter shall relieve any holder of a certificate, license, or permit issued by and under the authority of the Department from any liability resulting from his negligence, whether or not he has complied with the requirements of this chapter.

§ 46.2-2011.18. Violation by passengers; misdemeanor; ejection.

All persons who fail, while using transportation services of a motor carrier, to act in an orderly manner so as to permit the safe operation of a vehicle by the driver, or who fail to obey the directions of any such driver, operator, or other person in charge to act in such orderly manner, shall be deemed guilty of a Class 4 misdemeanor. Furthermore, such persons may be ejected from any such vehicle by any driver, operator, or person in charge of such vehicle, or by any police officer or other conservator of the peace; and in case such persons ejected have paid their fares upon such vehicle, they shall not be entitled to the return of any part of the same. For the refusal of any such passenger to abide by the direction of the person in charge of fares upon such vehicle, they shall not be entitled to the return of any part of the same. For the refusal of any such passenger to abide by the direction of the person in charge of such vehicle as aforesaid, and his consequent ejection from such vehicle, neither the driver,

operator, person in charge, owner, manager, nor motor carrier operating such vehicle shall be liable for damages in any court.

§ 46.2-2011.19. Appointment of police agents.

The president or any other executive officer of a motor carrier company, incorporated in the Commonwealth may, with the approval of the judge of any court of record wherein the motor carrier company has terminal facilities, appoint one or more police agents, who shall have authority in all cases in which the rights of such motor carrier company are involved to exercise, within the Commonwealth, all the powers which can lawfully be exercised by any conservator of the peace for the preservation of the peace, the arrest of offenders and disorderly persons, and for the enforcement of the laws against crime; such president or other executive officer may, with the approval of the judge of any court of record as aforesaid, revoke such appointment. Any judge aforesaid giving such consent may at any time revoke it.

§ 46.2-2011.20. Operators are special policemen to enforce § 46.2-2011.18; other powers.

Each driver, operator or person in charge of any motor vehicle of any motor carrier in the employment of any such motor carrier, while actively engaged in the operation of such vehicle, shall be a special policeman and have all of the powers of conservators of the peace in the enforcement of the provisions of § 46.2-2011.18, and in the discharge of his duty as special policeman, in the enforcement of order upon such vehicle; and such driver, operator or person in charge of any such vehicle shall likewise have the powers of conservators of the peace and of special policemen while in pursuit of persons for disorder upon such vehicle or for violating the provisions of § 46.2-2011.18, and until such persons as may be arrested by him have been placed in confinement or delivered over to the custody of some other conservator of the peace or police officer.

§ 46.2-2011.21. Vehicle seizure; penalty.

A. Any police officer of the Commonwealth authorized to serve process may hold a motor vehicle owned by a person against whom an order or penalty has been entered, but only for such time as is reasonably necessary to promptly petition for a writ of fieri facias. The Commonwealth shall not be required to post bond in order to hold and levy upon any vehicle held pursuant to this section.

B. Upon notification of the judgment or penalty entered against the owner of the vehicle and notice to such person of the failure to satisfy the judgment or penalty, any investigator, special agent, or officer of the Commonwealth shall thereafter deny the offending person the right to operate the motor vehicle on the highways of the Commonwealth.

§ 46.2-2011.22. Unlawful use of registration and identification markers.

It shall be unlawful for any person to operate or cause to be operated on any highway in the Commonwealth any motor vehicle that (i) does not carry the proper registration and identification that this chapter requires, (ii) does not display an identification marker in such manner as is prescribed by the Department, or (iii) bears registration or identification markers of persons whose license, permit, or certificate issued by the Department has been revoked, suspended, or renewal thereof denied in accordance with this chapter.

§ 46.2-2011.23. Registration and identification violations; penalties.

A. The following violations of laws shall be punished as follows:

1. Any person who does not obtain a proper registration card, identification marker, or other evidence of registration as required by this chapter shall be guilty of a Class 4 misdemeanor.

2. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle that does not carry the proper registration and identification that this article requires or any motor vehicle that does not display (i) an identification marker in such manner as is prescribed by the Department or (ii) other identifying information that this article requires it to display shall be guilty of a Class 4 misdemeanor.

3. Any person who knowingly displays or uses on any vehicle operated by him any identification marker or other identification that has not been issued to the owner or operator thereof for such vehicle and any person who knowingly assists him to do so shall be guilty of a Class 3 misdemeanor.

4. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle requiring registration from the Department under this title after such registration cards or identification markers have been revoked, canceled or suspended shall be guilty of a Class 3 misdemeanor.

B. The officer charging the violation under this section shall serve a citation on the operator of the vehicle in violation. Such citation shall be directed to the owner, operator or other person responsible for the violation as determined by the officer. Service of the citation on the vehicle operator shall constitute service of process upon the owner, operator, or other person charged with the violation under this article, and shall have the same legal force as if served within the Commonwealth personally upon the owner, operator, or other person charged with the violation, whether such owner, operator, or other person charged is a resident or nonresident.

§ 46.2-2011.24. Violation; criminal penalties.

A. Any person knowingly and willfully violating any provision of this chapter, or any rule or regulation thereunder, or any term or condition of any certificate, permit, or license, for which a penalty is not otherwise herein provided, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$2,500 for the first offense and not more than \$5,000 for any subsequent offense. Each day of such violation shall constitute a separate offense.

B. Any person, whether carrier, broker, or any officer, employee, agent, or representative thereof, who shall knowingly and willfully by any such means or otherwise fraudulently seek to evade or defeat regulation as in this chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than \$500 for the first offense and not more than \$2,000 for any subsequent offense.

C. Any motor carrier, broker, excursion train operator, sight-seeing carrier by boat, special or charter party carrier by boat, or carrier by motor launch or any officer, agent, employee, or representative thereof who willfully fails or refuses to make a report to the Department as required by this chapter or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Department, or knowingly and willfully falsifies, destroys, mutilates, or alters any such report, account, record or memorandum, or knowingly and willfully files any false report, account, record or memorandum, shall be guilty of a misdemeanor and, upon conviction, be subject for each offense to a fine of not less than \$100 and not more than \$5,000.

§ 46.2-2011.25. Violations; civil penalties.

The Department may impose a civil penalty not exceeding \$1,000 if any person has:

1. Made any misrepresentation of a material fact to obtain proper operating credentials as required by this chapter or other requirements in this Code regulating the operation of motor vehicles;
2. Failed to make any report required in this chapter;
3. Failed to pay any fee or tax properly assessed against him; or
4. Failed to comply with any provision of this chapter or lawful order, rule or regulation of the Department or any term or condition of any certificate, permit, or license.

Any such penalty shall be imposed by order; however, no order issued pursuant to this section shall become effective until the Department has offered the person an opportunity for an administrative hearing to show cause why the order should not be enforced. Instead of or in addition to imposing such penalty, the Department may suspend, revoke, or cancel any license, permit, certificate, registration card or identification marker issued pursuant to this title. If, in any such case, it appears that the defendant owes any fee or tax to the Commonwealth, the Department shall enter order therefor.

§ 46.2-2011.26. Grounds for denying, suspending, or revoking licenses, permits, or certificates.

A. A license, permit, or certificate issued pursuant to this chapter may be denied, suspended, or revoked on any one or more of the following grounds, where applicable:

1. Material misstatement or omission in application for license, certificate, permit, identification marker, or vehicle registration;
2. Failure to comply subsequent to receipt of a written warning from the Department or any willful failure to comply with a lawful order, any provision of this chapter or any regulation promulgated by the Department under this chapter, or any term, condition, or restriction of a license, permit, or certificate;
3. Failure to comply with zoning or other land use regulations, ordinances, or statutes;
4. Use of deceptive business acts or practices;
5. Knowingly advertising by any means any assertion, representation, or statement of fact that is untrue, misleading, or deceptive relating to the conduct of the business for which a license, certificate, permit, identification marker, or vehicle registration is held or sought;
6. Having been found, through a judicial or administrative hearing, to have committed fraudulent or deceptive acts in connection with the business for which a license, permit, or certificate is held or sought or any consumer-related fraud;
7. Having been convicted of any criminal act involving the business for which a license, permit, or certificate is held or sought;
8. Failure to comply with § 46.2-2035 or any regulation promulgated pursuant thereto;
9. Improper leasing, renting, lending, or otherwise allowing the improper use of a license, certificate, permit, identification marker, or vehicle registration;
10. Having been convicted of a felony;
11. Having been convicted of any misdemeanor involving lying, cheating, stealing, or moral turpitude;
12. Failure to submit to the Department any tax, fees, dues, fines, or penalties owed to the Department;
13. Failure to furnish the Department information, documentation, or records required or requested pursuant to statute or regulation;
14. Knowingly and willfully filing any false report, account, record, or memorandum;

674 15. Failure to meet application certifications or requirements of public convenience and necessity,
675 character, fitness, and financial responsibility pursuant to this chapter;

676 16. Willfully altering or changing the appearance or wording of any license, permit, certificate,
677 identification marker, license plate, or vehicle registration;

678 17. Failure to provide services in accordance with license, permit, or certificate terms, limitations,
679 conditions, or requirements;

680 18. Failure to maintain and keep on file with the Department motor carrier liability insurance,
681 issued by a company licensed to do business in the Commonwealth, or a bond, certificate of insurance,
682 certificate of self-insurance, or unconditional letter of credit in accordance with this chapter, with
683 respect to each motor vehicle operated in the Commonwealth;

684 19. Failure to comply with the Workers' Compensation Act of Title 65.2;

685 20. Failure to properly register a motor vehicle under this title;

686 21. Failure to comply with any federal motor carrier statute, rule, or regulation;

687 22. Failure to comply with the requirements of the Americans with Disabilities Act; or

688 23. Inactivity of a motor carrier as may be evidenced by the absence of a motor vehicle registered to
689 operate under such certificate or permit for a period of greater than three months.

690 § 46.2-2011.27. Altering or amending licenses, permits, or certificates.

691 The Department may alter or amend a license, permit, or certificate at the request of a licensee,
692 permittee, or certificate holder, or upon a finding by the Department that a licensee, permittee, or
693 certificate holder failed to observe any of the provisions within this chapter, or any of the rules or
694 regulations of the Department, or any term, condition, or limitation of such license, permit, or
695 certificate.

696 § 46.2-2011.28. Suspension, revocation, and refusal to renew licenses, permits, or certificates; notice
697 and hearing.

698 A. Except as provided in subsection D of this section, unless otherwise provided in this chapter, no
699 license, permit, or certificate issued under this chapter shall be suspended or revoked, or renewal
700 thereof refused, unless the licensee, permittee, or certificate holder has been furnished a written copy of
701 the complaint against him and the grounds upon which the action is taken and has been offered an
702 opportunity for an administrative hearing to show cause why such action should not be taken.

703 B. The order suspending, revoking, or denying renewal of a license, permit, or certificate shall not
704 become effective until the licensee, permittee, or certificate holder has, after notice of the opportunity
705 for a hearing, had thirty days to make a written request for such a hearing. If no hearing has been
706 requested within such thirty-day period, the order shall become effective and no hearing shall thereafter
707 be held. A timely request for a hearing shall automatically stay operation of the order until after the
708 hearing.

709 C. Notice of an order suspending, revoking, or denying renewal of a license, permit, or certificate
710 and an opportunity for a hearing shall be mailed to the licensee, permittee, or certificate holder by
711 registered or certified mail at the address as shown on the license, permit, or certificate or other record
712 of information in possession of the Department and shall be considered served when mailed.

713 D. If the Department makes a finding, after conducting a preliminary investigation, that the conduct
714 of a licensee, permittee, or certificate holder (i) is in violation of this chapter or regulations adopted
715 pursuant to this chapter and (ii) such violation constitutes a danger to public safety, the Department
716 may issue an order suspending the license, permit, or certificate. Notice of the suspension shall be in
717 writing and mailed in accordance with subsection C of this section. Upon receipt of a request for a
718 hearing appealing the suspension, the licensee, permittee, or certificate holder shall be afforded the
719 opportunity for a hearing within thirty days. The suspension shall remain in effect pending the outcome
720 of the hearing.

721 § 46.2-2011.29. Basis for reinstatement of suspended licenses, permits, or certificates; reinstatement
722 fees.

723 A. The Department shall reinstate any license, permit, or certificate suspended pursuant to this
724 chapter provided the grounds upon which the suspension action was taken have been satisfied and the
725 appropriate reinstatement fee and other applicable fees have been paid to the Department.

726 B. The reinstatement fee for suspensions issued pursuant to this chapter shall be fifty dollars. In the
727 event multiple credentials have been suspended under this chapter for the same violation, only one
728 reinstatement fee shall be applicable.

729 C. In addition to a reinstatement fee, a fee of \$500 shall be paid for failure of a motor carrier to
730 keep in force at all times insurance, a bond or bonds, in an amount required by this chapter.

731 § 46.2-2011.30. Basis for relicensure after revocation of licenses, permits, or certificates; fees.

732 The Department shall not accept an application for a license, permit, or certificate from an applicant
733 where such credentials have been revoked pursuant to this chapter until the period of revocation
734 imposed by the Department has passed. The Department shall process such applications under the same
735 provisions, procedures, and requirements as an original application for such license, permit, or

certificate. The Department shall issue such license, permit, or certificate provided the applicant has met all the appropriate qualifications and requirements, has satisfied the grounds upon which the revocation action was taken, and has paid the appropriate application or filing fees to the Department.

§ 46.2-2011.31. Surrender of identification marker, license plate, and registration card; removal by law enforcement; operation of vehicle denied.

A. It shall be unlawful for a licensee, permittee, or certificate holder whose license, permit, or certificate has been revoked, suspended, or renewal thereof denied pursuant to this chapter to fail or refuse to surrender, on demand, to the Department license plates, identification markers, and registration cards issued under this title.

B. If any law enforcement officer finds that a motor carrier vehicle bearing Virginia license plates or temporary transport plates is being operated in violation of subsection A of this section, such law enforcement officer shall remove the license plate, identification marker, and registration card and shall forward the same to the Department.

C. When informed that a vehicle is being operated in violation of this section, the driver shall drive the vehicle to a nearby location off the public highways and not remove it or allow it to be moved until the motor carrier is in compliance with all provisions of this chapter.

§ 46.2-2011.32. No property rights in highways conferred by chapter.

Nothing in this chapter shall confer any proprietary or property rights in the use of the public highways.

§ 46.2-2011.33. Licenses, taxes, etc., not affected.

Nothing in this chapter shall be construed to relieve any person from the payment of any licenses, fees, taxes or levies now or hereafter imposed by law.

§ 46.2-2011.34. Title to plates and markers.

All registration cards and identification markers issued by the Department shall remain the property of the Department.

Article 2.

Insurance Requirements.

§ 46.2-2051. Application of article.

Unless otherwise stated, this article shall apply to all motor carriers.

§ 46.2-2052. Bonds or insurance to be kept in force; amounts.

Each motor carrier shall keep in force at all times insurance, a bond, or bonds, in an amount required by this article.

§ 46.2-2053. Surety bonds, insurance, letter of credit or securities required prior to issuance of registration; amounts.

A. No certificate, permit, identification marker, registration card or license plate shall be issued by the Department to any vehicle operated by a motor carrier until the motor carrier certifies to the Department that the vehicle is covered by:

1. An insurance policy or bond;

2. A certificate of insurance in lieu of the insurance policy or bond, certifying that such policy or bond covers the liability of such motor carrier in accordance with the provisions of this article, is issued by an authorized insurer, or in the case of bonds, is in an amount approved by the Department. The bonds may be issued by the Commonwealth of Virginia, the United States of America, or any municipality in the Commonwealth. Such bonds shall be deposited with the State Treasurer and the surety shall not be reduced except in accordance with an order of the Department;

3. An unconditional letter of credit, issued by a bank doing business in Virginia, for an amount approved by the Department. The letter of credit shall be in effect so long as the motor carrier operates motor vehicles in the Commonwealth; or

4. In the case of a lessor who acts as a registrant for purposes of consolidating lessees' vehicle registration applications, a statement that the registrant has, before leasing a vehicle, obtained from the lessee an insurance policy, bond, or certificate of insurance in lieu of the insurance policy or bond and can make available said proof of insurance coverage upon demand.

Vehicles operated by carriers who have filed proof of financial responsibility in accordance with the provisions of §14504 of Title 49 of the United States Code are deemed to have fulfilled the requirements of this article for insurance purposes, provided there is on board the vehicle a copy of a single state insurance receipt issued pursuant to 49 C.F.R. 367. The Department is further authorized to issue single state registration receipts to any qualified carrier as well as to collect and disperse the fees for and to qualified jurisdictions.

B. All motor carriers shall keep in force at all times insurance, a bond or bonds, in an amount required by this section. Except for taxicabs, the minimum financial responsibility requirements for motor carriers operating intrastate shall be based on the number of passengers a vehicle is designed or manufactured to transport, excluding the driver, and shall be as follows: one to six passengers -

800 \$350,000; seven to fifteen passengers - \$1,500,000; sixteen or more passengers - \$5,000,000. All motor
801 carriers operating exclusively taxicabs shall maintain liability insurance of at least \$125,000.

802 C. The minimum insurance for motor carriers operating in interstate commerce shall equal the
803 minimum required by federal law, rule, or regulation. Any motor carrier that meets the minimum federal
804 financial responsibility requirements and also operates in intrastate commerce may submit, in lieu of a
805 separate filing for its intrastate operation, proof of the minimum federal limits, provided that both
806 interstate and intrastate operations are insured.

807 § 46.2-2054. Policies or surety bonds to be filed with the Department and securities with State
808 Treasurer.

809 A. Each motor carrier shall keep on file with the Department proof of an insurance policy or bond
810 in accordance with this article. Record of the policy or bond shall remain in the files of the Department
811 six months after the certificate, registration card, license plate, identification marker or permit is
812 canceled for any cause. If federal, state, or municipal bonds are deposited with the State Treasurer in
813 lieu of an insurance policy, the bonds shall remain deposited until six months after the registration card,
814 license plate, certificate, permit or identification marker is canceled for any cause unless otherwise
815 ordered by the Department.

816 B. The Department may, without holding a hearing, suspend a permit or certificate if the permittee
817 or certificate holder fails to comply with the requirements of this section.

818 § 46.2-2055. Condition or obligation of security.

819 The insurance, bond or other security provided for in § 46.2-2054 shall obligate the insurer or surety
820 to pay any final judgment for (i) injury to any passenger or passengers and (ii) any and all injuries to
821 persons and loss of or damage to property resulting from the negligent operation of any motor vehicle.

822 § 46.2-2056. Effect of unfair claims settlement practices on self-insured motor carriers.

823 The provisions of subdivisions 4., 6., 11., and 12. of subsection A of § 38.2-510 shall apply to each
824 holder of a certificate or permit issued by and under the authority of the Department who, in lieu of
825 filing an insurance policy, has deposited with the State Treasurer state, federal or municipal bonds or
826 has filed an unconditional letter of credit issued by a bank. The failure of any such holder of a
827 certificate or permit to comply with the provisions of § 38.2-510 shall be the cause for revocation or
828 suspension of the certificate or permit.

829 § 46.2-2057. Taxicab insurance required.

830 Each operator of a motor vehicle performing a bona fide taxicab service shall file insurance as
831 required under this article unless evidence can be shown to the Department that the operator is a
832 self-insurer under an ordinance of the city or county where the home office of the operator is located.

833 § 46.2-2058. When taxicab operator a self-insurer.

834 If the operator of any taxicab or other motor vehicle performing a taxicab service is a self-insurer
835 under an ordinance of the city where the home office of the operator is located, such operator shall not
836 be required to obtain and keep on file with the Department insurance as required by law.

837 Article 3.

838 Taxicabs.

839 § 46.2-2059. Permit required for taxicab service.

840 It shall be unlawful for any taxicab or other motor vehicle performing a taxicab service to operate
841 on an intrastate basis on any public highway in the Commonwealth outside the corporate limits of
842 incorporated cities or towns without first obtaining from the Department a permit in accordance with
843 the provisions of this chapter.

844 § 46.2-2060. Limitations on advertising.

845 Within the jurisdictions of Planning District Number Eight, no person shall use the term "taxi" or
846 "taxicab" in any advertisement, sign, or trade name, or hold himself out by means of advertising, signs,
847 trade names, or otherwise as an operator of a taxicab or other motor vehicle performing a taxicab
848 service as defined by § 46.2-2000, unless he complies with the requirements of § 46.2-2059 and any
849 county, city, or town ordinance adopted pursuant to § 46.2-2062. This statute, however, shall not
850 preempt, supersede, or affect in any way the authority of the governing body of any county, city, or
851 town to issue local ordinances under §§ 46.2-2062 through 46.2-2067.

852 § 46.2-2061. Chapter does not make taxicab operators common carriers.

853 Nothing in this article shall be construed to make or constitute operators of taxicabs or other motor
854 vehicles performing a taxicab service common carriers.

855 § 46.2-2062. Regulation of taxicab service by localities; rates and charges.

856 A. The governing body of any county, city or town in the Commonwealth may by ordinance regulate
857 the rates or charges of any motor vehicles used for the transportation of passengers for a consideration
858 on any highway, street, road, lane or alley in such county, city or town, and may prescribe such
859 reasonable regulations as to filing of schedules of rates, charges and the general operation of such
860 vehicles; provided that, notwithstanding anything contained in this chapter to the contrary, such
861 ordinances and regulations shall not prescribe the wages or compensation to be paid to any driver or

lessor of any such motor vehicle by the owner or lessee thereof.

B. In considering rates or charges, the governing body may require any owner or operator to submit such supporting financial data as may be necessary, including federal or state income tax returns for the two years preceding; provided that such income tax returns submitted shall be used only for consideration of such rates or charges and shall be kept confidential by the governing body concerned; and provided further that the governing body shall not require any owner or operator to submit any audit more extensive than that conducted by such owner or operator in the normal course of business.

§ 46.2-2063. Locality license and payment of locality license tax may be required.

The governing body of any county, city, or town may require a license for and impose upon and collect a license tax from every person, firm, association, or corporation that operates or intends to operate in such county, city, or town any taxicab or other motor vehicle for the transportation of passengers for a consideration. The tax may be upon each such motor vehicle so operated. The governing body of the county, city, or town may by ordinance provide for levying and collecting the tax and may impose penalties for violations of the ordinance and for operating any such vehicle without obtaining the required license. Any person accepting a license issued under authority of this section and operating a taxicab business based in a county, city or town shall be subject to the provision that any complaint relating to taxicab service in the Commonwealth shall be resolved under the license regulations of the county, city, or town from which that person obtained a taxicab license.

§ 46.2-2064. When local license may not be required.

No such county, city or town shall require a license or impose a license tax for the operation of any such motor vehicle for which a similar license is imposed or tax levied by the county, city or town of which the owner or operator of the motor vehicle is a resident, except that such license may be required and such license tax imposed by any such county, city, or town for the operation of any such motor vehicle if the owner, lessee, or operator thereof maintains a taxicab stand or otherwise solicits business within such county, city, or town; nor, except as herein expressly authorized, shall more than one county, city or town impose any such license fee or tax on the same vehicle. This article shall not be construed to apply to common carriers of persons operating as public carriers by authority of the Department of Motor Vehicles or under a franchise granted by any county, city, or town.

§ 46.2-2065. Local regulation of qualifications of operators; stands.

The governing body of any county, city, or town may prescribe such reasonable regulations as to the character and qualifications of operators of any such vehicle as they deem proper and may provide for the designation and allocation, by the sheriff or chief of police, of stands for such vehicles and the persons who may use the same.

§ 46.2-2066. Penalty for violation of provisions of article or regulations.

Every owner or operator of a motor vehicle used as a vehicle for the transportation of persons for a consideration on any highway, street, road, lane or alley in any county, city or town who violates any of the provisions of this article or regulations of a governing body made pursuant to this chapter shall be guilty of a misdemeanor and upon conviction thereof be fined not more than \$100 for the first offense and not more than \$500 for each subsequent offense.

§ 46.2-2067. Local regulation of number of taxicabs.

A. It is the policy of this Commonwealth, based on the public health, safety and welfare, to assure safe and reliable privately operated taxicab service for the riding public in this Commonwealth; and in furtherance of this policy, it is recognized that it is essential that counties, cities and towns be granted the authority to reasonably regulate such taxicab service as to the number of operators and the number of vehicles that shall provide such service and regulations as to the rates or charges for such taxicab service, even though such regulations may have an anti-competitive effect on such service by limiting the number of operators and vehicles within a particular jurisdiction.

B. The governing body of any county, city, or town in the Commonwealth may regulate by ordinance and limit the number of taxicab operators and the number of taxicabs within its jurisdiction in order to provide safe and reliable privately operated taxicab service on any highway, street, road, lane or alley in such county, city, or town. The governing body may promulgate such reasonable regulations to further the provisions of this section including, but not limited to, minimum liability insurance requirements. However, such ordinances and regulations shall not prescribe the wages or compensation to be paid to any driver or lessor of any such motor vehicle by the owner or lessee thereof. Further, such ordinances and regulations shall not impose (i) regulatory requirements concerning claims settlement practices beyond those imposed by § 46.2-2056 or (ii) financial requirements to qualify as a self-insurer beyond those imposed by § 46.2-2053 on any taxicab operator who, in lieu of filing an insurance policy or surety bond, has qualified as a self-insurer pursuant to § 46.2-2053 by depositing with the State Treasurer state, federal or municipal bonds or has filed an unconditional letter of credit issued by a bank. Nothing herein shall be construed to affect or control the authority of counties, cities or towns to set the amount, if any, of locally established liability insurance requirements that may be

920 met by a program of self-insurance.

921 Article 4.

922 Employee Haulers.

923 § 46.2-2068. Required Permit.

924 No employee hauler, unless otherwise exempted, shall transport passengers on any highway within
925 the Commonwealth on an intrastate basis without first having obtained from the Department a permit
926 authorizing such operation.

927 § 46.2-2069. Application; requirements.

928 An applicant for a permit issued pursuant to this article shall furnish, at the time the application is
929 made, a statement in writing signed by the applicant (i) setting forth the names and locations of the
930 factories, plants, offices or other places of like nature to and from which the applicant proposes to
931 operate and (ii) stating that such applicant will transport only bona fide employees of such factories,
932 plants, offices or like places to and from work.

933 § 46.2-2070. Permit restrictions.

934 A permit issued under this article shall authorize the holder named in the permit to transport bona
935 fide employees solely to and from the factories, plants, offices or other places of like nature specified at
936 the time of application.

937 Article 5.

938 Nonprofit/Tax-Exempt Passenger Carriers.

939 § 46.2-2071. Required Permit.

940 No nonprofit/tax-exempt passenger carrier, unless otherwise exempted, shall transport passengers on
941 any highway within the Commonwealth on an intrastate basis without first having obtained from the
942 Department a permit authorizing such operation.

943 § 46.2-2072. Operational restrictions.

944 No nonprofit/tax-exempt passenger carrier shall operate over the same or an adjacent route and on
945 a similar schedule as a public transportation authority or a common carrier holding a certificate of
946 public convenience and necessity issued pursuant to this chapter.

947 § 46.2-2073. Exemption from permit filing fees.

948 The original permit filing fee collected pursuant to this chapter shall not be applicable to
949 non-profit/tax-exempt passenger carriers.

950 Article 6.

951 Common Carriers.

952 § 46.2-2074. Application of article.

953 Unless otherwise stated, this article shall only apply to common carriers of passengers over the
954 highways of the Commonwealth.

955 § 46.2-2075. Required certificates of public convenience and necessity.

956 No common carrier not otherwise exempted shall engage in intrastate operation on any highway
957 within the Commonwealth without first having obtained from the Department a certificate of public
958 convenience and necessity authorizing such operation.

959 § 46.2-2076. Application; notice requirements.

960 In addition to the requirements of § 46.2-2001.3, an applicant for a common carrier certificate of
961 public convenience and necessity issued under this article shall cause a notice of such application, on
962 the form and in the manner prescribed by the Department, on the mayor or principal officer of any city
963 or town and on the chairman of the board of supervisors of every county into or through which the
964 applicant may desire to provide service.

965 § 46.2-2077. Considerations for determination of issuance of certificate.

966 In addition to the requirements of § 46.2-2011, in determining whether a certificate of public
967 convenience and necessity required by this article shall be granted, the Department may consider the
968 present transportation facilities over the proposed route or within the proposed service area, the volume
969 of traffic over such route or in such service area, and the condition of the highway over the proposed
970 route or service area.

971 § 46.2-2078. No certificate to issue when service already adequate.

972 No certificate of public convenience and necessity shall be granted to an applicant proposing to
973 operate over the route of any certificated common carrier unless it is proved to the satisfaction of the
974 Department that the service rendered by such certificate holder, over such route, is inadequate to the
975 requirements of the public necessity and convenience; and if the Department is of the opinion that the
976 service rendered by such certificate holder over such route is in any respect inadequate to the
977 requirements of the public necessity and convenience, such certificate holder shall be given reasonable
978 time and opportunity to remedy such inadequacy before any certificate shall be granted to an applicant
979 proposing to operate over such route.

980 For the purpose of this section, the transportation of passengers by an urban-suburban bus line,
981 hereby defined as a bus line, the majority of whose passengers use the buses for traveling a distance no

more than forty miles, measured one way, on the same day, between their places of abode and their places of work, shopping areas, or schools, shall not be deemed an operation over the route of any common carrier of passengers holding a certificate of public convenience and necessity.

§ 46.2-2079. Certificates for passenger carriers operating over Interstate Highway System.

Notwithstanding the provisions of § 46.2-2078, upon a showing of public convenience and necessity, the Department may, if it finds from the evidence that the public interest will be promoted thereby, issue to any carrier of passengers by motor vehicle a certificate or certificates authorizing operations in the Commonwealth upon highways that are part of the Interstate Highway System. The foregoing shall be applicable only to issuance of certificates for operations over such System. Except as otherwise indicated, all other applicable provisions of this chapter shall apply to such carriers and to such certificates.

§ 46.2-2080. Irregular route passenger certificates.

Notwithstanding any of the provisions of § 46.2-2078, the Department may grant common carrier certificates to applicants to serve irregular routes on an irregular schedule within a specified geographic area. The Department shall issue no more certificates than the public convenience and necessity require, and shall place such restrictions upon such certificates as may be reasonably necessary to protect any existing regular or irregular route common carrier certificate holders operating within the proposed service area, but shall not deny a certificate solely on the ground that the applicant will operate in the same service area that an existing regular or irregular route common carrier certificate holder is operating. Certificates issued hereunder shall be restricted to operation of vehicles with a passenger-carrying capacity not to exceed fifteen persons, excluding the driver, and shall be restricted to prohibit pickup or delivery of passengers at their personal residence in any city having a population between 260,000 and 265,000 as determined by the 1990 census. Such restriction shall not apply to specially equipped vehicles for the transportation of disabled persons.

§ 46.2-2081. Schedule required.

Every common carrier operating pursuant to this chapter shall file with the Department time schedules. A common carrier shall not deviate from its time schedule and can only amend such schedule in accordance with § 46.2-2082.

§ 46.2-2082. Schedule changes require Department approval; posting notice.

A common carrier operating under a certificate issued by the Department pursuant to this article shall not make any change in schedules or service without having first received the approval of the Department for such change in schedules or service and without first posting a notice of such change in a conspicuous place at each station or ticket agency affected at least ten days before the effective date thereon. Any request for a change in schedules or service shall be received by the Department a minimum of ten days prior to the proposed effective date of such change.

§ 46.2-2083. Schedule title page and content.

A. Title page of time schedules shall contain the following:

1. Time schedules must be numbered consecutively in the upper right hand corner, beginning with No. 1, and show the number of the time schedule cancelled thereby, if any.

2. Name of the motor carrier.

3. The termini or points between which the time schedules apply.

4. Date issued and date effective.

5. The name, title, and address of the officer issuing such time schedule, including street address.

B. Time schedules shall show:

1. The time of departure from all termini.

2. The time of departure from intermediate points between termini.

3. What points, if any, on route of carrier at which service cannot be rendered.

§ 46.2-2084. Lease, mortgage or pledging of certificate.

No certificate or rights thereunder shall be leased, mortgaged, or pledged, unless first authorized by the Department.

§ 46.2-2085. Abandonment, discontinuance, or deviation of service.

Notwithstanding anything contained in this chapter to the contrary, no common carrier regulated pursuant to this article shall abandon or discontinue any service established under the provisions of this chapter without permission of the Department and on such terms as the Department may prescribe. Common carriers may occasionally deviate from their route or routes when authorized to do so by the Department.

§ 46.2-2086. Interruption of service.

All interruptions of regular service that are likely to continue for more than twenty-four hours shall be promptly reported in writing to the Department with a full statement of cause of such interruption and its probable duration; however, any interruption of regular service that results from an act of God need not be reported to the Department unless it continues for more than seventy-two hours.

1043 All interruptions of regular service shall be promptly reported to the agents of the carrier on the
1044 routes involved.

1045 § 46.2-2087. Refusal of service.

1046 No common carrier regulated pursuant to this chapter shall refuse service without good cause. The
1047 Department may, at any time, require an explanation from such carrier for its refusal to provide service.

1048 § 46.2-2088. Duties of carriers of passengers as to through routes, equipment, rates, regulations, etc.

1049 Every common carrier regulated pursuant to this article shall establish reasonable through routes
1050 with other such common carriers and shall provide safe and adequate service, equipment, and facilities
1051 for the transportation of passengers; shall establish, observe, and enforce just and reasonable individual
1052 and joint rates, fares and charges and just and reasonable regulations and practices relating thereto,
1053 and to the issuance, form, and substance of tickets, the carrying of baggage, the facilities for
1054 transportation, and all other matters relating to or connected with the transportation of passengers; and
1055 in case of such joint rates, fares, and charges, shall establish just, reasonable and equitable divisions
1056 thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of
1057 such participating carriers.

1058 § 46.2-2089. Undue preference not permitted.

1059 Except as provided in § 46.2-2091, it shall be unlawful for any common carrier regulated pursuant
1060 to this article to make, give, or cause any undue or unreasonable preference or advantage to any
1061 particular person, port, gateway, locality, or description of traffic in any respect whatsoever, or to
1062 subject any particular person, port, gateway, locality, or description of traffic to any unjust
1063 discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever;
1064 however, this section shall not be construed to apply to discriminations, prejudice or disadvantage to
1065 the traffic of any other carrier of whatever description.

1066 § 46.2-2090. Tariffs showing rates, fares and charges; available for inspection.

1067 Every common carrier regulated pursuant to this article shall file with the Department at least thirty
1068 days before the effective date, and make available for public inspection, tariffs showing all the rates,
1069 fares and charges for transportation, and all services in connection therewith, of passengers between
1070 points on its own route and points on the route of any other such carrier, or on the route of any
1071 common carrier by railroad, air, or water, when a through route and joint rate shall have been
1072 established. Such rates, fares, and charges shall be stated in terms of lawful money of the United States.
1073 The tariffs required by this section shall be published, filed, and posted in such form and manner, and
1074 shall contain such information as the Department may prescribe. The Department is authorized to reject
1075 any tariff filed with it that is not in consonance with this section. Any tariff rejected by the Department
1076 shall be void, and its use shall be unlawful.

1077 § 46.2-2091. Unlawful to charge other than published tariff.

1078 No common carrier regulated pursuant to this article shall charge or demand or collect or receive
1079 greater compensation for transportation or for any service in connection therewith between the points
1080 enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time.

1081 § 46.2-2092. Changes in tariffs.

1082 No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or
1083 practice affecting such rate, fare, charge, or classification, or the value of the service thereunder,
1084 specified in any effective tariff of a common carrier regulated pursuant to this article, except after thirty
1085 days' notice of the proposed change. Such notice shall plainly state the change proposed to be made
1086 and the time when such change will take effect. The Department may, in its discretion and for good
1087 cause shown, allow such change upon notice less than that herein specified or modify the requirements
1088 of this section with respect to posting and filing of tariffs.

1089 § 46.2-2093. Joint tariffs; power of attorney.

1090 A. A common carrier regulated pursuant to this article may authorize an agent or may join with
1091 another carrier or carriers in the publication of a joint tariff, supplement or amendment, and, where
1092 such authority is given, shall file with the Department prior to publication power of attorney or notice
1093 of concurrence, which shall specifically set out the authority given.

1094 B. Where a carrier issues a power of attorney to an agent or a concurrence to another carrier for
1095 the publication of tariffs, such power of attorney or concurrence may not be revoked except upon sixty
1096 days' notice to the Department and the agent or carrier to which the power of attorney or concurrence
1097 was issued, except upon special permission of the Department.

1098 § 46.2-2094. No transportation except when rates have been filed and published.

1099 No common carrier regulated pursuant to this article, unless otherwise provided by this chapter,
1100 shall engage in the transportation of passengers unless the rates, fares, and charges upon which the
1101 same are transported by such carrier have been filed and published in accordance with the provisions.

1102 § 46.2-2095. Conservators of the peace.

1103 Station and depot agents shall be conservators of the peace, and shall have the same power to make
1104 arrests that other conservators of the peace have, except that the agents shall have such power only at

their respective places of business. Agents may cause any person so arrested by them to be detained and delivered to the proper authorities for trial as soon as practicable.

§ 46.2-2096. Terminals; local license taxes on operation.

Counties, cities and towns may impose license taxes for the privilege of operating or conducting terminals for use by common carriers regulated pursuant to this article. Operation of terminals by such carriers in connection with and incidental to their business as such common carriers, and not for profit, or for such carriers where the local agent receives as his compensation a commission on tickets sold shall not be subject to the imposition of any such taxes. Lots used by such carriers for parking, storage and servicing of motor vehicles used in the business of such carriers and for taking on and discharging passengers shall not be deemed terminals. Nothing herein contained shall be construed to exempt the payment of license taxes on any other business that may be conducted on, at, or in any such terminal or lot.

Article 7.

Contract Passenger Carriers.

§ 46.2-2097. Certificates required unless exempted.

Unless otherwise exempted, no person shall engage in the business of a contract passenger carrier by motor vehicle on any highway within the Commonwealth on an intrastate basis unless such person has secured from the Department a certificate of public convenience and necessity authorizing such business.

§ 46.2-2097.1. When certificates granted.

The public convenience and necessity to be served by contract passenger carriers is to provide safe and convenient transportation for passengers and, in the issuance of all certificates authorized by this article, the Department shall consider all facts bearing on that purpose, including provisions of § 46.2-2001.3 and existing means of transportation. The Department shall issue no more certificates than the public convenience and necessity require, and shall place such terms, limitations, and restrictions upon such certificates as the Department may deem proper or reasonably necessary. Any terms, limitations, or restrictions imposed by the Department shall not be applicable to charter buses, as defined in this chapter. The Department shall not deny a certificate solely on the ground that the applicant may render contract passenger service originating at the same point or points as other motor carriers. If the Department finds that the proposed operation is not justified, the application shall be denied.

§ 46.2-2098. Control, supervision and regulation by Department.

Except as otherwise provided in this chapter, every contract passenger carrier shall be subject to the exclusive control, supervision, and regulation by the Department, except that enforcement of statutes and Department regulations shall be not only by the Department, but also by the Department of State Police and local law-enforcement agencies. Nothing in this section shall be construed as authorizing the adoption of local ordinances providing for local regulation of contract passenger carriers.

§ 46.2-2099. Operation except in accordance with chapter prohibited.

No contract passenger carrier shall operate any motor vehicle for the transportation of passengers for compensation on any highway in the Commonwealth on an intrastate basis except in accordance with the provisions of this chapter. There shall be no commingling of unrelated passengers by use of a contract between a contract passenger carrier and a licensed broker for the transportation of passengers by motor vehicles.

§ 46.2-2099.1. Operational requirements.

Contract passenger carriers shall provide service on a prearranged basis only for a minimum of one-hour under a single contract made with one person for an agreed charge for such movement regardless of the number of passengers transported. Contract passenger carriers shall, prior to and at all times when providing compensated service, carry in each motor vehicle a trip sheet or contract order identifying the name of the passengers who have arranged for use of the motor vehicle, the date and approximate time of pickup, and the origin and destination. Such trip sheet or contract order shall be made available immediately upon request to authorized representatives of the Department, law-enforcement agencies, and airport authorities and shall be retained and available for inspection at the carrier's place of business for a period of at least three years. Trip sheets or contract orders may be retained (i) in the form of paper records; (ii) by microfilm, microfiche, similar microphotographic process; or (iii) by electronic means. The fact that a contract passenger carrier stations a motor vehicle at an airport, in front of or across the street from a hotel or motel, or within 100 feet of a recognized taxicab stand shall constitute prima facie evidence that the contract passenger carrier is operating in violation of this section, unless the carrier has (i) a completed trip sheet or contract order in the vehicle or (ii) a written agreement with an airport authority or hotel or motel owner providing office space devoted to the carrier's business in the airport, hotel, or motel. Any violation of this section shall be punishable as a Class 3 misdemeanor.

Article 8.

Contract Bus Carriers.

§ 46.2-2099.2. *Required certificate of fitness.*

No contract bus carrier, unless otherwise exempted, shall transport passengers on any highway within the Commonwealth on an intrastate basis without first having obtained from the Department a certificate of fitness authorizing such operation.

§ 46.2-2099.3. *Operational requirements.*

Contract bus carriers shall provide service on a prearranged basis only for a minimum of one hour under a single contract with one person for an agreed charge for such movement regardless of the number of passengers transported. Contract bus carriers shall, prior to and at all times when providing compensated service, carry in each motor vehicle a trip sheet or contract order identifying the name of the passengers who have arranged for use of the motor vehicle, the date and approximate time of pickup, and the origin and destination. Such trip sheet or contract order shall be made available immediately upon request to authorized representatives of the Department, law-enforcement agencies, and airport authorities and shall be retained and available for inspection at the carrier's place of business for a period of at least three years. Trip sheets or contract orders may be retained (i) in the form of paper records; (ii) by microfilm, microfiche, similar microphotographic process; or (iii) by electronic means.

Article 9.

Sight-Seeing Carriers.

§ 46.2-2099.4. *Required certificate of public convenience and necessity.*

No sight-seeing carrier, unless otherwise exempted, shall transport passengers on any highway within the Commonwealth on an intrastate basis without first having obtained from the Department a certificate of public convenience and necessity authorizing such operation.

§ 46.2-2099.5. *Certificates authorize specific service and routes; ticket requirements.*

A certificate issued under this article shall authorize the holder named in the certificate to transport passengers from the point or points of origin named in the certificate over regular routes to the points of interest named in the certificate and back to the point or points of origin. Each passenger shall be issued a ticket on which shall be printed the points of interest and the fare charged for the round trip. Passengers shall be transported only on round trips without stopover privileges, and no part of a fare shall be refunded because of a passenger's refusal to complete the round trip.

§ 46.2-2099.6. *When certificate granted.*

The public convenience and necessity to be served by this article is to encourage passengers to visit points of interest in Virginia by providing economical, comfortable and convenient transportation, and, in the issuance of certificates, the Department shall consider all facts bearing on that purpose, including provisions of § 46.2-2011 and existing means of transportation. The Department shall issue no more certificates than the public convenience and necessity require, and shall place such restrictions upon such certificates as may be reasonably necessary to protect any existing common carrier regulated pursuant to Article 6 of this chapter operating over the same route or routes under a certificate issued by the Department, but it shall not deny a certificate solely on the ground that the applicant will operate over the route or part of the route of an existing common carrier regulated pursuant to Article 6 of this chapter.

§ 46.2-2099.7. *Schedules required.*

The schedules operated by sight-seeing carriers shall be filed with and subject to the approval or disapproval of the Department, which may consider the seasonal nature of the business and may authorize the discontinuance of schedules during times when the demand for service does not justify service. A sight-seeing carrier shall not deviate from its time schedule, unless authorized by the Department.

§ 46.2-2099.8 *Abandonment or discontinuance of service.*

Notwithstanding any provision contained in this chapter to the contrary, no sight-seeing carrier shall abandon or discontinue any service established under the provisions of this chapter without permission from the Department and on such terms as the Department may prescribe.

§ 46.2-2099.9. *Interruption of service.*

All interruptions of regular service that are likely to continue for more than twenty-four hours shall be promptly reported in writing to the Department with a full statement of cause of such interruption and its probable duration; however, any interruption of regular service which results from an act of God need not be reported to the Department unless it continues for more than seventy-two hours.

All interruptions of regular service shall be promptly reported to the agents of the carrier on the routes involved.

§ 46.2-2099.10. *Deviation from route.*

Sight-seeing carriers may occasionally deviate from their route or routes, when authorized to do so by the Department.

§ 46.2-2099.11. Refusal of service.

No sight-seeing carrier shall refuse service without good cause. The Department may, at any time, require an explanation from such carrier for its refusal to provide service.

§ 46.2-2099.12. Tariffs showing rates, fares and charges; available for inspection.

Every sight-seeing carrier regulated pursuant to this article shall file with the Department at least thirty days before the effective date, and make available for public inspection, tariffs showing all the rates, fares and charges for transportation, and all services in connection therewith. Such rates, fares and charges shall be stated in terms of lawful money of the United States. The tariffs required by this section shall be published, filed, and posted in such form and manner, and shall contain such information as the Department may prescribe. The Department is authorized to reject any tariff filed with it that is not in consonance with this section. Any tariff rejected by the Department shall be void, and its use shall be unlawful.

§ 46.2-2099.13. No sight-seeing carrier regulated pursuant to this article shall charge or demand or collect or receive a greater compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time.

§ 46.2-2099.14. Changes in tariffs.

No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting such rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff of a sight-seeing carrier regulated pursuant to this article, except after thirty days' notice of the proposed change. Such notice shall plainly state the change proposed to be made and time when such change will take effect. The Department may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements of this section with respect to posting and filing of tariffs.

§ 46.2-2099.15. Joint tariffs; power of attorney.

A. A sight-seeing carrier regulated pursuant to this article may authorize an agent or may join with another carrier or carriers in the publication of a joint tariff; supplement or amendment, and, where such authority is given, shall file with the Department prior to publication power of attorney or notice of concurrence, which shall specifically set out the authority given.

B. Where a carrier issues a power of attorney to an agent or concurrence to another carrier for the publication of tariffs, such power of attorney or concurrence may not be revoked except upon sixty days' notice to the Department and the agent or carrier to which the power of attorney or concurrence was issued, except upon special permission of the Department.

§ 46.2-2099.16. No transportation except when rates have been filed and published.

No sight-seeing carrier regulated pursuant to this article, unless otherwise provided by this chapter, shall engage in the transportation of passengers unless the rates, fares, and charges upon which the same are transported by such carrier have been filed and published in accordance with the provisions of this article.

Article 10. Brokers.

§ 46.2-2099.17. Regulation of brokers.

The Department shall regulate brokers and make and enforce reasonable requirements respecting their licenses, financial responsibility, accounts, records, reports, operations and practices.

§ 46.2-2099.18. Broker's license required.

No person shall for compensation sell or offer for sale transportation subject to this chapter or shall make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for such transportation or shall hold himself out by advertisement, solicitation, or otherwise as one who sells, provides, procures, contracts, or arranges for such transportation, unless such person holds a broker's license issued by the Department to engage in such transactions; however, the provisions of this section shall not apply to any carrier holding a certificate or permit under the provisions of this chapter or to any bona fide employee or agent of such motor carrier, so far as concerns transportation to be furnished wholly by such carrier or jointly with other motor carriers holding like certificates or permits.

§ 46.2-2099.19. Broker's license not substitute for other certificates or permits required.

No person who holds a broker's license under this article shall engage in transportation subject to this chapter unless he holds a certificate or permit as provided in this chapter. In the execution of any contract, agreement, or arrangement to sell, provide, procure, furnish, or arrange for such transportation, it shall be unlawful for such person to employ any carrier by motor vehicle who is not the lawful holder of an effective certificate or permit issued as provided in this chapter.

Article 11.

Sight-Seeing Carriers by Boat and Special or Charter Party Carriers by Boat.

§ 46.2-2099.20. Certificate required as condition to operation; penalty.

1289 No person shall engage in business on the waters within the Commonwealth as a sight-seeing carrier
1290 by boat or as a special or charter party carrier by boat as defined in this chapter unless such person
1291 first has obtained a certificate of public convenience and necessity from the Department pursuant to the
1292 provisions of this chapter. Operation as a sight-seeing carrier by boat or as a special or charter party
1293 carrier by boat as defined in this chapter, without having been issued a certificate, shall be a Class 1
1294 misdemeanor.

1295 § 46.2-2099.21. Exemptions from operation of article.

1296 This article shall not be construed to include:

1297 1. Persons engaged in operating boats exclusively for fishing;

1298 2. Persons engaged in operating boats that have (i) an approved passenger capacity of twenty-five or
1299 less persons and (ii) are operated as special or charter parties under this chapter; or

1300 3. Any municipal corporation acting as a sight-seeing carrier by boat or special or charter party
1301 carrier by boat, if said municipal corporation has a population greater than 89,000 but less than
1302 91,000.

1303 § 46.2-2099.22. Contents of certificate.

1304 A certificate issued under this article shall authorize the holder named in the certificate to transport
1305 passengers from the point of origin named in the certificate over regular routes to the point or points of
1306 interest named in the certificate and back to the point of origin. Only one point of origin shall be
1307 named in a certificate.

1308 § 46.2-2099.23. Purpose of chapter; when certificate granted.

1309 The public convenience and necessity to be served by this article is to provide economical, safe,
1310 comfortable and convenient transportation. In the issuance of certificates the Department shall consider
1311 all facts bearing on that purpose, including the provisions of § 46.2-2011, existing means of
1312 transportation, the kind of equipment the applicant proposes to use and compliance with U.S. Coast
1313 Guard permit requirements. The Department shall issue no more certificates than the public convenience
1314 and necessity require, and shall place such terms, limitations and restrictions upon such certificates as
1315 may be reasonably necessary to protect any existing sight-seeing carrier by boat or special or charter
1316 party carrier by boat operating over the same or substantially the same route or routes under a
1317 certificate issued by the Department, but shall not deny a certificate solely on the ground that the
1318 applicant will operate over the same route or substantially the same route or part of the route of an
1319 existing sight-seeing carrier by boat or special or charter party carrier by boat.

1320 § 46.2-2099.24. Tariffs showing rates, fares and charges; available for inspection.

1321 Every sight-seeing carrier by boat regulated pursuant to this article shall file with the Department at
1322 least thirty days before the effective date, and make available for public inspection, tariffs showing all
1323 the rates, fares and charges for transportation, and all services in connection therewith. Such rates,
1324 fares and charges shall be stated in terms of lawful money of the United States. The tariffs required by
1325 this section shall be published, filed, and posted in such form and manner, and shall contain such
1326 information as the Department may prescribe. The Department is authorized to reject any tariff filed
1327 with it that is not in consonance with this section. Any tariff rejected by the Department shall be void,
1328 and its use shall be unlawful.

1329 § 46.2-2099.25. Unlawful to charge other than published tariff.

1330 No sight-seeing carrier by boat regulated pursuant to this article shall charge or demand or collect
1331 or receive a greater compensation for transportation or for any service in connection therewith between
1332 the points enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at
1333 the time.

1334 § 46.2-2099.26. Changes in tariffs.

1335 No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or
1336 practice affecting such rate, fare, charge, or classification, or the value of the service thereunder,
1337 specified in any effective tariff of a sight-seeing carrier by boat regulated pursuant to this article, except
1338 after thirty days' notice of the proposed change. Such notice shall plainly state the change proposed to
1339 be made and time when such change will take effect. The Department may, in its discretion and for
1340 good cause shown, allow such change upon notice less than that herein specified or modify the
1341 requirements of this section with respect to posting and filing of tariffs.

1342 § 46.2-2099.27. Joint tariffs; power of attorney.

1343 A. A sight-seeing carrier by boat regulated pursuant to this article may authorize an agent or may
1344 join with another carrier or carriers in the publication of a joint tariff; supplement or amendment, and,
1345 where such authority is given, shall file with the Department prior to publication power of attorney or
1346 notice of concurrence, which shall specifically set out the authority given.

1347 B. Where a carrier issues a power of attorney to an agent or concurrence to another carrier for the
1348 publication of tariffs, such power of attorney or concurrence may not be revoked except upon sixty days'
1349 notice to the Department and the agent or carrier to which the power of attorney or concurrence was
1350 issued, except upon special permission of the Department.

§ 46.2-2099.28. No transportation except when rates have been filed and published.

No sight-seeing carrier by boat regulated pursuant to this article, unless otherwise provided by this chapter, shall engage in the transportation of passengers unless the rates, fares, and charges upon which the same are transported by such carrier have been filed and published in accordance with the provisions of this article.

§ 46.2-2099.29. Schedules.

The schedules operated by sight-seeing carriers by boat shall be filed with and subject to the approval or disapproval of the Department, which may consider the seasonal nature of the business and may authorize the discontinuance of schedules during times when the demand for service does not justify service.

§ 46.2-2099.30. Insurance to be kept in force.

Each holder of a certificate issued by the Department pursuant to this article shall keep in force at all times marine protection and indemnity insurance in an amount not less than \$500,000 for bodily injury and property damage.

Article 12.

Motor Carriers By Launch.

§ 46.2-2099.31. Certificate required as condition to operation.

No person shall engage in business solely on the waters within the Commonwealth as a carrier by motor launch as defined in § 46.2-2000, unless such person has first obtained a certificate of public convenience and necessity issued by the Department pursuant to the provisions of this chapter.

§ 46.2-2099.32. Contents of certificate.

A certificate issued under this article shall authorize the holder named in the certificate to transport passengers and property from the point or points of origin named in the certificate over irregular routes to (i) ships anchored or located on the waters within the Commonwealth and (ii) points of land located within the Commonwealth, and to return.

§ 46.2-2099.33. Purpose of article; when certificate granted.

The public convenience and necessity to be served by this article is to encourage economical, safe and convenient transportation by motor launch on waters within the Commonwealth, and in the issuance of certificates the Department shall consider all facts bearing on that purpose including provisions of § 46.2-2011, existing means of transportation and the kind of equipment the applicant proposes to use. The Department shall issue no more certificates than the public convenience and necessity require, but the Department shall not deny a certificate solely on the ground that the applicant may render motor launch service originating at the same point or points as other carriers by motor launch. The Department shall issue a certificate if it finds that the proposed operation is justified by public convenience and necessity, subject to the terms, limitations and restrictions as may be prescribed by the Department.

§ 46.2-2099.34. Filing fee; issuance of certificate.

Notwithstanding the provisions of § 46.2-2008, every applicant for a certificate and transfer of a certificate under this article, upon the filing of an application, shall deposit with the Department a filing fee of \$200.

§ 46.2-2099.35. Minimum insurance to be kept in force.

Each holder of a certificate issued under this article by the Department shall keep in force at all times marine protection and indemnity insurance in an amount not less than \$500,000 for bodily injury and property damage. The Department shall have the authority to require higher minimum insurance limits, not in excess of one million dollars, related to the passenger-carrying capacity of vessels covered by this section.

§ 46.2-2099.36. Tariffs showing rates, fares and charges; available for inspection.

Every motor carrier by launch regulated pursuant to this article shall file with the Department at least thirty days before the effective date, and make available for public inspection, tariffs showing all the rates, fares and charges for transportation, and all services in connection therewith. Such rates, fares and charges shall be stated in terms of lawful money of the United States. The tariffs required by this section shall be published, filed, and posted in such form and manner, and shall contain such information as the Department may prescribe. The Department is authorized to reject any tariff filed with it that is not in consonance with this section. Any tariff rejected by the Department shall be void, and its use shall be unlawful.

§ 46.2-2099.37. Unlawful to charge other than published tariff.

No motor carrier by launch regulated pursuant to this article shall charge or demand or collect or receive a greater compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time.

§ 46.2-2099.38. Changes in tariffs.

No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting such rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff of a motor carrier by launch regulated pursuant to this article, except after thirty days' notice of the proposed change. Such notice shall plainly state the change proposed to be made and time when such change will take effect. The Department may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements of this section with respect to posting and filing of tariffs.

§ 46.2-2099.39. Joint tariffs; power of attorney.

A. A motor carrier by launch regulated pursuant to this article may authorize an agent or may join with another carrier or carriers in the publication of a joint tariff; supplement or amendment, and, where such authority is given, shall file with the Department prior to publication power of attorney or notice of concurrence, which shall specifically set out the authority given.

B. Where a carrier issues a power of attorney to an agent or concurrence to another carrier for the publication of tariffs, such power of attorney or concurrence may not be revoked except upon sixty days' notice to the Department and the agent or carrier to which the power of attorney or concurrence was issued, except upon special permission of the Department.

§ 46.2-2099.40. No transportation except when rates have been filed and published.

No motor carrier by launch regulated pursuant to this article, unless otherwise provided by this chapter, shall engage in the transportation of passengers unless the rates, fares, and charges upon which the same are transported by such carrier have been filed and published in accordance with the provisions of this article.

Article 13.

Excursion Trains.

§ 46.2-2099.41. Certification requirements.

A. A person may apply to the Department for certification as an operator of an excursion train. The Department shall certify an applicant if the Department determines that the applicant will operate a passenger train that:

1. Is primarily used for tourism or public service;
2. Leads to the promotion of the tourist industry in the Commonwealth; and
3. Is primarily operated within a county having a population between 50,000 and 55,000 people.

B. An application for certification shall include:

1. The name and address of each person who owns an interest of at least ten percent of the excursion train operation;
2. An address in this Commonwealth where the excursion train is based;
3. An operations plan including the route to be used and a schedule of operations and stops along the route; and
4. Evidence of insurance that meets the requirements of subsection C of this section.

C. The Department shall not certify to a person under subsection A unless the person files with the Department evidence of insurance providing coverage of liability resulting from injury to persons or damages to property in the amount of at least ten million dollars for the operation of the train.

D. The Department shall not certify an applicant under subsection A of this section if the applicant or any other person owning interest in the excursion train also owns or operates a regularly scheduled passenger train service with interstate connection.

§ 46.2-2099.42. Assignment of liability.

A. The operator of an excursion train shall be liable for personal injury or wrongful death arising from the operation of such excursion train, including operations, maintenance and signalization of the tracks and facilities upon which the excursion train operates.

B. Any county, city, or town may by resolution determine that the provision of excursion train services within the locality promotes tourism and furthers other public purposes. Upon request of such locality, by resolution, any railroad company that authorizes the operator of an excursion train to use its tracks and facilities for the purposes of this article shall not be liable for personal injury or wrongful death arising from the operation of such excursion train, including operations, maintenance, and signalization of the tracks and facilities upon which the excursion train operates.

C. The limitation of liability under subsection B does not apply if:

1. The injury or damages result from intentional misconduct, malice, or gross negligence of the railroad company; or
2. The operator of the excursion train was not operating in accordance with the definition of an excursion train under this chapter and the railroad company had otherwise authorized the operations that were inconsistent with this chapter.

D. Each passenger on the excursion train shall be deemed to have accepted and consented to the limitation of liability under this section. This agreement shall be governed by the laws of the Commonwealth as the place of performance notwithstanding any choice of law rules to the contrary.

E. The railroad company may charge reasonable amounts to the operator of the excursion train for the use of its tracks and facilities as determined by agreement between the railroad company and the operator.

§ 46.2-2099.43. Notice to passengers.

The operator of an excursion train shall:

1. Issue each passenger a ticket with the following statement in twelve point boldface type: "THE RAILROAD COMPANY WHICH OWNS THE TRACKS AND FACILITIES UPON WHICH THIS EXCURSION TRAIN OPERATES SHALL NOT BE LIABLE FOR PERSONAL INJURY OR WRONGFUL DEATH ARISING FROM THE OPERATION OF THE EXCURSION TRAIN, INCLUDING OPERATIONS, MAINTENANCE, AND SIGNALIZATION OF THE TRACKS AND FACILITIES."

2. Post notice near any passenger boarding area containing the same statement contained in subdivision 1, in letters that are at least two inches high.

CHAPTER 21.

Regulation of Household GoodsREGULATION OF PROPERTY CarriersCARRIERS.

Article 1.

Motor Carriers of Property, Generally.

§ 46.2-2100. Definitions.

Whenever used in this chapter, unless expressly stated otherwise:

"Authorized insurer" means, in the case of an interstate motor carrier whose operations may or may not include intrastate activity, an insurer authorized to transact business in any one state, or, in the case of a solely intrastate motor carrier, an insurer authorized to transact business in the Commonwealth.

"Broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who, as principal or agent, sells or offers for sale any transportation subject to this chapter, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

"Bulk commodity" means any non-liquid, non-gaseous commodity shipped loose or in mass/aggregate and which in the loading and unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed or which is not in containers or in units of such size to permit piece by piece loading and unloading.

"Bulk property carrier" means any person, not herein exempted, who undertakes either directly or by lease, to transport exclusively bulk commodities, as defined, for compensation including for purposes of this section for hire wrecker operations.

"Certificate" means a certificate of public convenience and necessity "Certificate" of public convenience and necessity" means a certificate issued by the Department to "household goods carriers" under this chapter.

"Constructive weight" means a measurement of seven pounds per cubic foot of properly loaded van space.

"Department" means the Department of Motor Vehicles.

"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 this chapter.

"Gross weight" means the weight of a truck after a shipment has been loaded.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicle travel in this Commonwealth, excluding the streets and alleys in towns and cities.

"Household goods" means personal effects and property used or to be used in a dwelling, when a part of the equipment or supplies of such dwelling, and similar property if the transportation of such effects or property is (i) arranged and paid for by the householder, including transportation of the property from a factory or store when the property is purchased by the householder with intent to use it in his dwelling or (ii) arranged and paid for by another party.

"Household goods carrier" means any person who undertakes, whether directly or by a lease or other arrangement, to transport "household goods," as herein defined, by motor vehicle for compensation, on any highway in this Commonwealth, between two or more points in this Commonwealth, whether over regular or irregular routes.

"Identification marker" means a decal or other visible identification issued by the Department to show (i) that the operator of the vehicle has registered with the Department for the payment of the road tax imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, (ii) proof of the possession of a certificate or permit issued pursuant to Chapter 21 (§ 46.2-2100 et seq.) of this title, and/or (iii) proof of compliance with the insurance requirements of this chapter.

"Interstate" means the transportation of property between states.

"Intrastate" means the transportation of property solely within a state.

1535 *"License" means a license issued by the Department to a broker.*

1536 *"Motor carrier" means any person who undertakes whether directly or by a lease, to transport*
1537 *property, including household goods, as defined by this chapter, for compensation over the highways of*
1538 *the Commonwealth.*

1539 *"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by*
1540 *mechanical power and used upon the highways in the transportation of property, but does not include*
1541 *any vehicle, locomotive or car operated exclusively on a rail or rails.*

1542 *"Net weight" means the tare weight subtracted from the gross weight.*

1543 *"Permit" means a permit issued by the Department authorizing the transportation of property,*
1544 *excluding household goods transported for a distance greater than thirty road miles.*

1545 *"Person" means any individual, firm, copartnership, corporation, company, association or joint-stock*
1546 *association, and includes any trustee, receiver, assignee, or personal representative thereof.*

1547 *"Property carrier" means any person, not herein exempted, who undertakes either directly or by a*
1548 *lease, to transport property for compensation.*

1549 *"Services" and "transportation" includes all vehicles operated by, for, or in the interest of any*
1550 *"household goods carrier," motor carrier, irrespective of ownership or contract, express or implied,*
1551 *together with all facilities and property operated or controlled by any such carrier or carriers and used in*
1552 *the transportation of "household goods" property or in the performance of any service in connection*
1553 *therewith.*

1554 *"Single state insurance receipt" means any receipt issued pursuant to 49 C.F.R. 367 evidencing that*
1555 *the carrier has the required insurance and paid the requisite fees to the Commonwealth and other*
1556 *qualified jurisdictions.*

1557 *"Tare weight" means the weight of a truck before being loaded at a shipper's residence or place of*
1558 *business, including the pads, dollies, hand-trucks, ramps and other equipment normally used in the*
1559 *transportation of household goods shipments.*

1560 § 46.2-2101. Exemptions from chapter.

1561 The following are exempt from this chapter:

1562 1. Motor vehicles owned and operated by the United States, District of Columbia, any state,
1563 municipality, or any other political subdivision of the Commonwealth.

1564 2. Transportation of household goods property between any point in this Commonwealth and any
1565 point outside this Commonwealth, or between any points wholly within the limits of any city or town in
1566 this Commonwealth, or for any lesser distance than thirty road miles.

1567 3. Infrequent (not more than twelve trips a year) transportation of "household goods" for a greater
1568 distance than thirty road miles, when the point of origin of goods is not within the limits of a city and
1569 is not within thirty road miles from the limits of a city Motor vehicles controlled and operated by a
1570 bona fide cooperative association as defined in the Federal Marketing Act, approved June 15, 1929, as
1571 amended, or organized or existing under Chapter 3, Article 2 (§13.1-312 et seq.) of Title 13.1, while
1572 used exclusively in the conduct of the business of such association.

1573 4. Motor vehicles while used exclusively in (i) carrying newspapers, water, livestock, poultry, poultry
1574 products, buttermilk, fresh milk and cream, meats, butter and cheese produced on a farm, fish (including
1575 shellfish), slate, horticultural or agricultural commodities (not including manufactured products thereof),
1576 and forest products, including lumber and staves (but not including manufactured products thereof), (ii)
1577 transporting farm supplies to a farm or farms, (iii) hauling for the Department of Transportation, (iv)
1578 carrying fertilizer to any warehouse or warehouses for subsequent distribution to a local area farm or
1579 farms, or (v) collecting and disposing of trash, garbage and other refuse.

1580 5. Motor vehicles used for transporting property by an air carrier or carrier affiliated with a direct
1581 air carrier whether or not such property has had or will have a prior or subsequent air movement.

1582 § 46.2-2102. Compliance with chapter required.

1583 No household goods motor carrier shall operate any motor vehicle for the transportation of property
1584 for compensation on any highway in this Commonwealth on an intrastate basis except in accordance
1585 with the provisions of this chapter.

1586 § 46.2-2108.1. Disposition of funds collected.

1587 Except as otherwise provided, all fees collected by the Commissioner pursuant to this chapter shall
1588 be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the
1589 Department.

1590 § 46.2-2108.2. Necessity of a license, permit, or certificate.

1591 It shall be unlawful for any person to operate, offer, advertise, provide, procure, furnish, or arrange
1592 by contract, agreement or arrangement to transport property for compensation on an intrastate basis as
1593 a motor carrier or broker without first obtaining from the Department a license, permit, or certificate of
1594 public convenience and necessity as required by this chapter.

1595 § 46.2-2108.3. Identification marker required.

1596 Each motor carrier shall be issued an identification marker unless the operation is interstate in

nature and the carrier has been issued a single state registration receipt by the Department or other qualified jurisdiction. The identification marker shall be displayed on each vehicle as prescribed by the Department.

§ 46.2-2108.4. Application; notice requirements.

A. Applications for a license, permit, or certificate of public convenience and necessity under this chapter shall be made to the Department and contain such information as the Department shall require. Such information shall include, in the application or otherwise, the matters set forth in §§ 46.2-2129 and 46.2-2130 as grounds for denying licenses, permits, and certificates.

B. The applicant for a certificate of public convenience and necessity issued under this chapter shall cause a notice of such application, on the form and in the manner prescribed by the Department, to be served on the mayor or principal officer of any city or county and on the chairman of the board of supervisors of any county in which the applicant maintains offices and/or warehouses; and on every affected person who has requested notification. Publication of a summary of the application shall be made in a newspaper having a general circulation in the area where the primary business office is located within such time as the Department may prescribe.

§ 46.2-2108.5. Registered for fuels tax; business, professional, and occupational license taxes.

License, permit, and certificate of public convenience and necessity holders shall be licensed and registered in accordance with the road tax requirements of § 58.1-2700 et seq., and licensed for payment of local business, professional, and occupational license taxes of § 58.1-3700 et seq. as required.

§ 46.2-2108.6. Considerations for determination of issuance of license, permit, or certificate.

In determining whether a license, permit, or certificate of public convenience and necessity required by this chapter shall be issued, the Department may, among other things, consider compliance with financial responsibility, bonding and other requirements of this chapter.

§ 46.2-2109. Hearing.

Upon the filing of an application for a an original license or certificate of public convenience and necessity as a household goods carrier, or any request for a transfer of such license or certificate, the Department shall, within a reasonable time, fix a time and place of hearing on such an application therefor, if such application is protested by any interested party, or evidence would warrant further investigation by the Department. Interested parties may protest an application by submitting written grounds to the Department setting forth (i) a precise statement of the party's interest and how the party could be aggrieved if the application were granted; (ii) a full and clear statement of the facts that the person is prepared to provide by competent evidence; (iii) a statement of the specific relief sought; (iv) the case number assigned to the application; and (v) a certification that a copy of the protest was sent to the applicant. If the Department finds the proposed operation justified by public convenience and necessity, it shall issue a certificate to the applicant, subject to such terms, limitations and restrictions as the Department may deem proper. If the Department finds the proposed operation not justified, the application shall be denied.

§ 46.2-2115. Determination for issuance of license, permit, or certificate.

If the Department finds the applicant has met all requirements of this chapter, it shall issue a license, permit, or certificate of public convenience and necessity to the applicant, subject to such terms, limitations and restrictions as the Department may deem proper.

§ 46.2-2116. Issuance of temporary authority.

To enable the provision of service for which there is an immediate and urgent need to a point or between points in Virginia where certificated carriers are unable to perform the service, or within a territory having no certificated carrier, the Department may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a carrier that would otherwise be required to obtain a certificate of public convenience and necessity under this chapter. Such temporary authority, unless suspended or revoked in accordance with § 46.2-2128, shall be valid for such time as the Department shall specify, but for not more than an aggregate of 180 days, and shall create no presumption that corresponding permanent authority will be granted thereafter.

§ 46.2-2117. Temporary emergency operation.

In an emergency, the Department or its agents may, by letter, telegram, or other means, authorize a vehicle to be operated in the Commonwealth without a proper registration card or identification marker for not more than ten days.

§ 46.2-2118. Issuance, expiration, and renewal of license, permit, certificate, and identification markers.

A. All licenses, permits, certificates of public convenience and necessity, and identification markers issued under this chapter shall be issued for a period of twelve consecutive months except, at the discretion of the Department, the periods may be adjusted as is necessary. The expiration date shall be the last day of the twelfth month of validity or the last day of the designated month. Every license,

1658 permit, certificate, and identification marker shall be renewed annually on an application prescribed by
1659 the Department, the renewal to take effect on the first day of the succeeding month. The Department
1660 may offer an optional multi-year license, permit, or certificate.

1661 B. Licenses, permits, and certificates issued under this chapter shall be deemed not to have expired if
1662 the renewal application is received by the Department or postmarked on or before the expiration date of
1663 such license, permit, or certificate. Licenses, permits, and certificates that have expired shall not be
1664 renewed or reinstated.

1665 C. The Department shall renew a license, permit, certificate, or identification marker if the
1666 Department finds that the licensee, permittee, or certificate holder is in compliance with the provisions
1667 of this chapter and regulations of the Department, and the terms, limitations, and restrictions of the
1668 previously issued license, permit, or certificate.

1669 § 46.2-2119. Conversion of old licenses and certificates.

1670 All licenses, permits, and certificates issued prior to January 1, 2002, shall be void on July 1, 2002.
1671 Prior to July 1, 2002, motor carriers and brokers shall reapply for their license, permit, or certificate
1672 issued to them and be issued a replacement. Any application for a replacement license, permit, or
1673 certificate received by the Department or received in an envelope bearing a postmark showing it was
1674 mailed prior to midnight, June 30, 2002, shall be deemed to have fulfilled the requirements of this
1675 section. The new license, permit, or certificate shall reflect the same or new classification for and
1676 contain the same requirements and restrictions as the original license, permit, or certificate. The new
1677 license, permit, or certificate shall expire each year, as provided under this chapter, and be renewed
1678 annually in accordance with this chapter. No fee shall be charged for the replacement or renewal of the
1679 license, permit, or certificate.

1680 § 46.2-2120. Filing and application fees.

1681 Every applicant for an original license or certificate of public convenience and necessity issued
1682 under this chapter and transfer of a license or certificate of public convenience and necessity under this
1683 chapter shall, upon the filing of an application, deposit with the Department, as a filing fee, a sum in
1684 the amount of fifty dollars. The Department shall collect a fee of three dollars for the issuance of a
1685 duplicate license or certificate of public convenience and necessity.

1686 § 46.2-2121. Vehicle fees.

1687 Every person that operates a property carrying vehicle for compensation over the highways of the
1688 Commonwealth shall be required to pay an annual fee of ten dollars for each vehicle. However, if the
1689 vehicle is a qualified highway vehicle under the provisions of § 58.1-2700 et seq., Virginia Road Tax,
1690 the fee shall not be required.

1691 § 46.2-2122. Bond and letter of credit requirements of applicants for license and certificate.

1692 A. Every applicant for an original, second-year renewal, third-year renewal, fourth-year renewal,
1693 and fifth-year renewal of a certificate of public convenience and necessity under this chapter shall
1694 obtain and file with the Department a surety bond or an irrevocable letter of credit, in addition to any
1695 other bond or letter of credit required by law, in the amount of \$50,000. The bond or letter of credit
1696 shall be in a form and content acceptable to the Department. The bond or letter of credit shall be
1697 conditioned on a statement by the applicant that the applicant will not practice fraud, make any
1698 fraudulent representation, or violate any provision of this chapter in the conduct of the applicant's
1699 business. The Department may, without holding a hearing, suspend the certificate of public convenience
1700 and necessity during the period that the certificate holder does not have a sufficient bond or letter of
1701 credit on file.

1702 B. Every applicant for an original and subsequent renewal license pursuant to Article 5 of this
1703 chapter shall obtain and file with the Department a surety bond or an irrevocable letter of credit, in
1704 addition to any other bond or letter of credit required by law, in the amount of \$25,000. The bond or
1705 letter of credit shall be in a form and content acceptable to the Department. The bond or letter of credit
1706 shall be conditioned on a statement by the applicant that the applicant will not practice fraud, make any
1707 fraudulent representation, or violate any provision of this chapter in the conduct of the applicant's
1708 business. The Department may, without holding a hearing, suspend the license during the period that the
1709 licensee does not have a sufficient bond or letter of credit on file.

1710 C. If a person suffers any of the following: (i) loss or damage in connection with the transportation
1711 service by reason of fraud practiced on him or fraudulent representation made to him by a licensee or
1712 certificate holder or his agent or employee acting within the scope of employment; (ii) loss or damage
1713 by reason of a violation by a licensee or certificate holder or his agent or employee of any provision of
1714 this chapter in connection with the transportation service; or (iii) loss or damage resulting from a
1715 breach of a contract entered into on or after the effective date of this act, that person shall have a
1716 claim against the licensee or certificate holder's bond or letter of credit, and may recover from such
1717 bond or letter of credit the amount awarded to such person by final judgment of a court of competent
1718 jurisdiction against the licensee or certificate holder as a result of such loss or damage up to, but not
1719 exceeding, the amount of the bond or letter of credit.

D. The licensee or certificate holder's surety shall notify the Department when a claim is made against a licensee or certificate holder's bond, when a claim is paid and/or when the bond is canceled. Such notification shall include the amount of a claim and the circumstances surrounding the claim. Notification of cancellation shall include the effective date and reason for cancellation.

E. The surety on any bond filed by a licensee or certificate holder shall be released and discharged from all liability accruing on such bond after the expiration of sixty days from the date on which the surety files with the Department a written request to be released and discharged. Such request shall not operate to relieve, release, or discharge the surety from any liability already accrued or that shall accrue before the expiration of the sixty-day period.

§ 46.2-2123. Transfer or lease of license or certificate.

Any certificate of public convenience and necessity issued under this chapter may be transferred or leased, subject to the approval of the Department, and under such reasonable rules and regulations as may be prescribed by the Department. An application for such approval shall be made jointly by the transferor and transferee, or lessor or lessee. The transfer or lease of a certificate of public convenience and necessity can only be made upon a satisfactory showing that such purchaser, transferee, or lessee can and will comply with the applicable motor carrier or broker laws, rules and regulations of the Department, is fit, willing and able to properly perform the services, and all taxes due the Commonwealth have been paid, or payment guaranteed. The transfer provisions of this section shall also apply to licenses.

§ 46.2-2124. Notice of discontinuance of service.

Every motor carrier or broker who ceases operation or abandons his rights under a license, permit, or certificate of public convenience and necessity issued shall notify the Department within thirty days of such cessation or abandonment.

§ 46.2-2125. Reports, records, etc.

A. The Department is hereby authorized to require annual, periodical, or special reports from motor carriers, except such as are exempted from the operation of the provisions of this chapter; to prescribe the manner and form in which such reports shall be made; and to require from such carriers specific answers to all questions upon which the Department may deem information to be necessary. Such reports shall be under oath whenever the Department so requires. The Department may also require any motor carrier to file with it a true copy of each or any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to the provisions of this chapter.

B. The Department may, in its discretion, prescribe (i) the forms of any and all accounts, records, and memoranda to be kept by motor carriers and (ii) the length of time such accounts, records, and memoranda shall be preserved, as well as of the receipts and expenditures of money. The Department or its employees shall at all times have access to all lands, buildings, or equipment of motor carriers used in connection with their operations and also all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept, or required to be kept, by motor carriers. The Department and its employees shall have authority to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept by such carriers. These provisions shall apply to receivers of carriers and to operating trustees and, to the extent deemed necessary by the Department, to persons having control, direct or indirect, over or affiliated with any motor carrier.

C. As used in this section the term "motor carriers" includes brokers.

§ 46.2-2126. Certificate, license, or permit holder not relieved of liability for negligence.

Nothing in this chapter shall relieve any holder of a certificate, license, or permit by and under the authority of the Department from any liability resulting from his negligence, whether or not he has complied with the requirements of this chapter.

§ 46.2-2127. Freight bill violation.

Any motor carrier that consistently submits a freight bill to a shipper for services rendered, which bill is more than ten percent above the written estimate of charges for such services, shall be subject to penalties and/or revocation or suspension of certificate as provided in this chapter.

§ 46.2-2128. Vehicle seizure; penalty.

A. Any police officer of the Commonwealth authorized to serve process may hold a motor vehicle owned by a person against whom an order or penalty has been entered, but only for such time as is reasonably necessary to promptly petition for a writ of fieri facias. The Commonwealth shall not be required to post bond in order to hold and levy upon any vehicle held pursuant to this section.

B. Upon notification of the judgment or penalty entered against the owner of the vehicle and notice to such person of the failure to satisfy the judgment or penalty, any investigator, special agent, or officer of the Commonwealth shall thereafter deny the offending person the right to operate the motor vehicle on the highways of the Commonwealth.

1781 § 46.2-2129. Unlawful use of registration and identification markers.

1782 It shall be unlawful for any person to operate or cause to be operated on any highway in the
1783 Commonwealth any motor vehicle that (i) does not carry the proper registration and identification that
1784 this title requires, (ii) does not display an identification marker in such manner as is prescribed by the
1785 Department, or (iii) bears registration or identification markers of persons whose license, permit, or
1786 certificate issued by the Department has been revoked, suspended, or renewal thereof denied in
1787 accordance with this chapter.

1788 § 46.2-2130. Registration violations; penalties.

1789 A. The following violations of laws shall be punished as follows:

1790 1. Any person who does not obtain a proper registration card, identification marker, or other
1791 evidence of registration as required by this chapter shall be guilty of a Class 4 misdemeanor.

1792 2. Any person who operates or causes to be operated on any highway in the Commonwealth any
1793 motor vehicle that does not carry the proper registration and identification that this title requires or any
1794 motor vehicle that does not display (i) an identification marker in such manner as is prescribed by the
1795 Department or (ii) other identifying information that this title requires it to display shall be guilty of a
1796 Class 4 misdemeanor.

1797 3. Any person who knowingly displays or uses on any vehicle operated by him any identification
1798 marker or other identification that has not been issued to the owner or operator thereof for such vehicle
1799 and any person who knowingly assists him to do so shall be guilty of a Class 3 misdemeanor.

1800 4. Any person who operates or causes to be operated on any highway in the Commonwealth any
1801 motor vehicle requiring registration from the Department under this article after such registration cards
1802 or identification markers have been revoked, canceled or suspended shall be guilty of a Class 3
1803 misdemeanor.

1804 B. The officer charging the violation under this section shall serve a citation on the operator of the
1805 vehicle in violation. Such citation shall be directed to the owner, operator or other person responsible
1806 for the violation as determined by the officer. Service of the citation on the vehicle operator shall
1807 constitute service of process upon the owner, operator, or other person charged with the violation under
1808 this article, and shall have the same legal force as if served within the Commonwealth personally upon
1809 the owner, operator, or other person charged with the violation, whether such owner, operator, or other
1810 person charged is a resident or nonresident.

1811 § 46.2-2131. Violation; criminal penalties.

1812 A. Any person knowingly and willfully violating any provision of this chapter, or any rule or
1813 regulation thereunder, or any term or condition of any certificate, permit, or license, for which a
1814 penalty is not otherwise herein provided, shall, upon conviction thereof, be fined not more than \$2,500
1815 for the first offense and not more than \$5,000 for any subsequent offense. Each day of such violation
1816 shall constitute a separate offense.

1817 B. Any person, whether carrier, broker, shipper, consignee, or any officer, employee, agent, or
1818 representative thereof, who shall knowingly and willfully by any such means or otherwise fraudulently
1819 seek to evade or defeat regulation as in this chapter provided for motor carriers or brokers, shall be
1820 deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than \$500 for the first
1821 offense and not more than \$2,000 for any subsequent offense.

1822 C. Any motor carrier or broker, or any officer, agent, employee, or representative thereof who
1823 willfully fails or refuses to make a report to the Department as required by this chapter or to keep
1824 accounts, records, and memoranda in the form and manner approved or prescribed by the Department,
1825 or knowingly and willfully falsifies, destroys, mutilates, or alters any such report, account, record or
1826 memorandum, or knowingly and willfully files any false report, account, record or memorandum, shall
1827 be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of
1828 not less than \$100 and not more than \$5,000.

1829 § 46.2-2132. Violations; civil penalties.

1830 The Department may impose a civil penalty not exceeding \$1,000 if any person has:

1831 1. Made any misrepresentation of a material fact to obtain proper operating credentials as required
1832 by this chapter or other requirements in this title regulating the operation of motor vehicles;

1833 2. Failed to make any report required in this chapter;

1834 3. Failed to pay any fee or tax properly assessed against him; or

1835 4. Failed to comply with any provision of this chapter or lawful order, rule or regulation of the
1836 Department or any term or condition of any certificate, permit, or license.

1837 Any such penalty shall be imposed by order; however, no order issued pursuant to this section shall
1838 become effective until the Department has offered the person an opportunity for an administrative
1839 hearing to show cause why the order should not be enforced. Instead of or in addition to imposing such
1840 penalty, the Department may suspend, revoke, or cancel any license, permit, certificate of public
1841 convenience and necessity, registration card or identification marker issued pursuant to this title. If, in
1842 any such case, it appears that the defendant owes any fee or tax to the Commonwealth, the Department

shall enter order therefor.

§ 46.2-2133. Grounds for denying, suspending, or revoking licenses or certificates.

A. A license or certificate of public convenience and necessity issued under this chapter may be denied, suspended, or revoked on any one or more of the following grounds, where applicable:

1. Material misstatement or omission in application for license or certificate of public convenience and necessity, identification marker, or vehicle registration;

2. Failure to comply subsequent to receipt of a written warning from the Department or any willful failure to comply with a lawful order, any provision of this chapter or any regulation promulgated by the Department under this chapter, or any term or condition of any license or certificate of public convenience and necessity;

3. Use of deceptive business acts or practices;

4. Knowingly advertising by any means any assertion, representation, or statement of fact that is untrue, misleading, or deceptive relating to the conduct of the business for which a license, certificate of public convenience and necessity, identification marker, or vehicle registration is held or sought;

5. Having been found, through a judicial or administrative hearing, to have committed fraudulent or deceptive acts in connection with the business for which a license or certificate of public convenience and necessity is held or sought or any consumer-related fraud;

6. Having been convicted of any criminal act involving the business for which a license or certificate of public convenience and necessity is held or sought;

7. Improper leasing, renting, lending, or otherwise allowing the improper use of a license, certificate of public convenience and necessity, identification marker, or vehicle registration;

8. Having been convicted of a felony;

9. Having been convicted of any misdemeanor involving lying, cheating, stealing, or moral turpitude;

10. Failure to submit to the Department any tax, fees, dues, fines, or penalties owed to the Department;

11. Failure to furnish the Department information, documentation, or records required or requested pursuant to statute or regulation;

12. Knowingly and willfully filing any false report, account, record, or memorandum;

13. Failure to meet application certifications or requirements of public convenience and necessity, character, fitness, and financial responsibility pursuant to this chapter;

14. Willfully altering or changing the appearance or wording of any license, certificate, identification marker, license plate, or vehicle registration;

15. Failure to provide services in accordance with license or certificate of public convenience and necessity terms, limitations, conditions, or requirements;

16. Failure to maintain and keep on file with the Department motor carrier liability insurance or cargo insurance, issued by a company licensed to do business in the Commonwealth, or a bond, certificate of insurance, certificate of self-insurance, or unconditional letter of credit in accordance with this chapter, with respect to each motor vehicle operated in the Commonwealth;

17. Failure to comply with the Workers' Compensation Act of Title 65.2;

18. Failure to properly register a motor vehicle under this title;

19. Failure to comply with any federal motor carrier statute, rule, or regulation; or

20. Inactivity of a motor carrier as may be evidenced by the absence of a motor vehicle registered to operate under such certificate or permit for a period of greater than three months.

§ 46.2-2134. Grounds for denying, suspending, or revoking permits.

A permit issued under this chapter may be denied, suspended, or revoked on any one or more of the following grounds:

1. Failure to submit to the Department any tax, fees, fines, or penalties owed to the Department.

2. Failure to maintain and keep on file with the Department motor carrier liability insurance or cargo insurance, issued by a company licensed to do business in the Commonwealth, or a bond, certificate of insurance, certificate of self-insurance, or unconditional letter of credit in accordance with this chapter, with respect to each motor vehicle operated in the Commonwealth.

3. Inactivity of a motor carrier as may be evidenced by the absence of a motor vehicle registered to operate under such permit or certificate for a period of greater than three months.

§ 46.2-2135. Altering or amending licenses, permits, or certificates.

The Department may alter or amend a license, permit, or certificate of public convenience and necessity at the request of a licensee, permittee, or certificate holder, or upon a finding by the Department that a licensee, permittee, or certificate holder failed to observe any of the provisions within this chapter, or any of the rules or regulations of the Department, or any term, condition, or limitation of such license or certificate.

§ 46.2-2136. Suspension, revocation, and refusal to renew license, permit, or certificate; notice and hearing.

1904 A. Except as provided in subsection D of this section, unless otherwise provided in this chapter, no
1905 license, permit, or certificate of public convenience and necessity issued under this chapter shall be
1906 suspended or revoked, or renewal thereof refused, unless the licensee, permittee, or certificate holder
1907 has been furnished a written copy of the complaint against him and the grounds upon which the action
1908 is taken and has been offered an opportunity for an administrative hearing to show cause why such
1909 action should not be taken.

1910 B. The order suspending, revoking, or denying renewal of a license, permit, or certificate of public
1911 convenience and necessity shall not become effective until the licensee, permittee, or certificate holder
1912 has, after notice of the opportunity for a hearing, had thirty days to make a written request for such a
1913 hearing. If no hearing has been requested within such thirty-day period, the order shall become effective
1914 and no hearing shall thereafter be held. A timely request for a hearing shall automatically stay
1915 operation of the order until after the hearing.

1916 C. Notice of an order suspending, revoking, or denying renewal of a license, permit, or certificate of
1917 public convenience and necessity and an opportunity for a hearing shall be mailed to the licensee,
1918 permittee, or certificate holder by registered mail at the address as shown on the license, permit, or
1919 certificate or other record of information in possession of the Department and shall be considered
1920 served when mailed.

1921 D. If the Department makes a finding, after conducting a preliminary investigation, that the conduct
1922 of a licensee, permittee, or certificate holder (i) is in violation of this chapter or regulations adopted
1923 pursuant to this chapter and (ii) such violation constitutes a danger to public safety, the Department
1924 may issue an order suspending the license, permit, or certificate. Notice of the suspension shall be in
1925 writing and mailed in accordance with subsection C of this section. Upon receipt of a request for a
1926 hearing appealing the suspension, the licensee, permittee, or certificate holder shall be afforded the
1927 opportunity for a hearing within thirty days. The suspension shall remain in effect pending the outcome
1928 of the hearing.

1929 E. No licensee, permittee, or certificate holder whose license, permit, or certificate has been revoked
1930 shall apply for a new license, permit, or certificate within 180 days of such action.

1931 F. A licensee, permittee, or certificate holder whose license, permit, or certificate has been
1932 suspended or who has been denied renewal thereof shall not apply for reinstatement or renewal until he
1933 has complied with all requirements of this chapter, any rules and regulations under this chapter, and
1934 any requirements set forth in the order suspending or denying renewal.

1935 § 46.2-2137. Basis for reinstatement of suspended licenses, permits, or certificates; reinstatement
1936 fees; disposition of reinstatement fees.

1937 A. The Department shall reinstate any license, permit, or certificate suspended pursuant to this
1938 chapter provided the grounds upon which the suspension action was taken have been satisfied and the
1939 appropriate reinstatement fee and other applicable fees have been paid to the Department.

1940 B. The reinstatement fee for suspensions issued pursuant to this chapter shall be fifty dollars. In the
1941 event multiple credentials have been suspended under this chapter for the same violation only one
1942 reinstatement fee shall be applicable.

1943 C. In addition to a reinstatement fee, a fee of \$500 shall be paid for failure of a motor carrier to
1944 keep in force at all times insurance, a bond or bonds, in an amount required by this chapter.

1945 § 46.2-2138. Basis for relicensure after revocation of licenses, permits, or certificates; fees.

1946 The Department shall not accept an application for a license, permit, or certificate from an applicant
1947 where such credentials have been revoked pursuant to this chapter within the last 180 days. The
1948 Department shall process such applications, received after the 180-day waiting period, under the same
1949 provisions, procedures and requirements as an original application for such license, permit, or
1950 certificate. The Department shall issue such license, permit, or certificate provided the applicant has met
1951 all the appropriate qualifications and requirements, has satisfied the grounds upon which the revocation
1952 action was taken, and has paid the appropriate application or filing fees to the Department.

1953 § 46.2-2139. Surrender of identification marker, license plate, and registration card; removal by law
1954 enforcement; operation of vehicle denied.

1955 A. It shall be unlawful for a licensee, permittee, or certificate holder whose license, permit, or
1956 certificate has been revoked, suspended, or renewal thereof denied pursuant to this chapter to fail or
1957 refuse to surrender, on demand, to the Department license plates, identification markers, and
1958 registration cards issued under this title.

1959 B. If any law enforcement officer finds that a motor carrier vehicle bearing Virginia license plates or
1960 temporary transport plates is being operated in violation of subsection A of this section, such law
1961 enforcement officer shall remove the license plate or plates, identification marker, and registration card
1962 and shall forward such license plate, identification marker, and registration card to the Department.

1963 C. When informed that a motor carrier vehicle is being operated in violation of this section, the
1964 driver shall drive the vehicle to a nearby location off the public highways and not remove it or allow it
1965 to be moved until the motor carrier is in compliance with all provisions of this chapter.

§ 46.2-2140. Title to plates and markers.

All registration cards and identification markers issued by the Department shall remain the property of the Department.

Article 2.

Insurance Requirements.

§ 46.2-2141. Application of article.

Unless otherwise stated, this article shall apply to all motor carriers as defined under this chapter.

§ 46.2-2142. Bonds or insurance to be kept in force; amounts.

Each motor carrier shall keep in force at all times insurance, a bond or bonds, in an amount required by this article.

§ 46.2-2143. Surety bonds, insurance, letter of credit or securities required prior to issuance of registration; amounts.

A. No certificate of public convenience and necessity, permit, identification marker, registration card or license plate shall be issued by the Department to any vehicle operated by a motor carrier until the motor carrier certifies to the Department that the vehicle is covered by:

1. An insurance policy or bond;

2. A certificate of insurance in lieu of the insurance policy or bond, certifying that such policy or bond covers the liability of such motor carrier in accordance with the provisions of this article, is issued by an authorized insurer, or in the case of bonds, is in an amount approved by the Department. The bonds may be issued by the Commonwealth of Virginia, the United States of America, or any municipality in the Commonwealth. Such bonds shall be deposited with the State Treasurer and the surety shall not be reduced except in accordance with an order of the Department;

3. An unconditional letter of credit, issued by a bank doing business in Virginia, for an amount approved by the Department. The letter of credit shall be in effect so long as the motor carrier operates motor vehicles in the Commonwealth; or

4. In the case of a lessor who acts as a registrant for purposes of consolidating lessees' vehicle registration applications, a statement that the registrant has, before leasing a vehicle, obtained from the lessee an insurance policy, bond, or certificate of insurance in lieu of the insurance policy or bond and can make available said proof of insurance coverage upon demand.

Vehicles belonging to carriers who have filed proof of financial responsibility in accordance with the provisions of § 14504 of Title 49 of the United States Code are deemed to have fulfilled the requirements of this article for insurance purposes, provided there is on board the vehicle a copy of a single state insurance receipt issued pursuant to 49 C.F.R. 367. The Department is further authorized to issue single state registration receipts to any qualified carrier as well as to collect and disperse the fees for and to qualified jurisdictions.

B. All motor carriers shall keep in force at all times insurance, a bond or bonds, in an amount required by this section.

C. The minimum public liability financial responsibility requirements for motor carriers operating in intrastate commerce shall be \$750,000. The minimum insurance for motor carriers operating in interstate commerce shall equal the minimum required by federal law, rule, or regulation. The minimum cargo insurance required for motor carriers operating in intrastate commerce shall be \$50,000. Motor carriers engaged exclusively in the transportation of bulk commodities shall not be required to file any cargo insurance, bond or bonds for cargo liability. Any motor carrier that meets the minimum federal financial responsibility requirements and also operates in intrastate commerce may submit, in lieu of a separate filing for its intrastate operation, proof of the minimum federal limits, provided that (i) both interstate and intrastate operations are insured, (ii) the public liability filed is at least \$750,000, and (iii) any cargo insurance requirements of this section have been met.

§ 46.2-2144. Policies or surety bonds to be filed with the Department and securities with State Treasurer.

A. Each motor carrier shall keep on file with the Department proof of an insurance policy or bond in accordance with this article. Record of the policy or bond shall remain in the files of the Department six months after the certificate of public convenience and necessity, registration card, license plate, identification marker or permit is canceled for any cause. If federal, state, or municipal bonds are deposited with the State Treasurer in lieu of an insurance policy, the bonds shall remain deposited until six months after the registration card, license plate, certificate, permit or identification marker is canceled for any cause unless otherwise ordered by the Department.

B. The Department may, without holding a hearing, suspend a permit or certificate of public convenience and necessity if the permittee or certificate holder fails to comply with the requirements of this section.

§ 46.2-2145. Condition or obligation of security.

The insurance, bond or other security provided for in § 46.2-2139 shall obligate the insurer or surety

2027 to pay any final judgment for (i) damages sustained by the shippers or consignees for injury to any
2028 passenger or passengers or for loss or damage to property entrusted to such motor carrier when a
2029 cargo policy is required and (ii) any and all injuries to persons and loss of or damage to property
2030 resulting from the negligent operation of any motor vehicle.

2031 § 46.2-2146. *Effect of unfair claims settlement practices on self-insured motor carriers.*

2032 The provisions of subdivisions 4., 6., 11. and 12. of subsection A of § 38.2-510 shall apply to each
2033 holder of a certificate of public convenience and necessity or permit issued by and under the authority
2034 of the Department who, in lieu of filing an insurance policy, has deposited with the State Treasurer
2035 state, federal or municipal bonds or has filed an unconditional letter of credit issued by a bank. The
2036 failure of any such holder of a certificate or permit to comply with the provisions of § 38.2-510 shall be
2037 the cause for revocation or suspension of the certificate or permit.

2038 Article 3.

2039 Property Carriers.

2040 § 46.2-2147. *Certain household goods carriers exempted from article.*

2041 Household goods carriers transporting solely household goods under a certificate of public
2042 convenience and necessity issued pursuant to this chapter are exempt from the provisions of this article.

2043 § 46.2-2148. *Required permit.*

2044 No property carrier, unless otherwise exempted, shall transport property on any highway within the
2045 Commonwealth on an intrastate basis without first having obtained from the Department a permit
2046 authorizing such operation.

2047 Article 4.

2048 Household Goods Carriers.

2049 § 46.2-2149. *Certain household good carriers exempt from certain provisions of article.*

2050 Household goods carriers transporting household goods for a lesser distance than thirty-one road
2051 miles are exempt from this article except the provisions of § 46.2-2161.

2052 § 46.2-2150. *Required certificates of public convenience and necessity.*

2053 No household goods carrier, unless otherwise exempted, shall engage in intrastate operations on any
2054 highway within the Commonwealth without first having obtained from the Department a certificate of
2055 public convenience and necessity authorizing such operation.

2056 § 46.2-2151. *Considerations for determination of issuance of certificate.*

2057 In determining whether the certificate of public convenience and necessity required by this article
2058 shall be granted, the Department may, among other things, consider the provisions of § 46.2-2108.6,
2059 whether the proposed operation is justified by public convenience and necessity, the applicant's
2060 character and fitness, and the applicant's compliance with federal, state, and local taxes.

2061 § 46.2-2152. *Control by Department.*

2062 Every household goods carrier is hereby declared to be subject to control, supervision and
2063 regulation by the Department.

2064 § 46.2-2153. *Provisions of chapter controlling.*

2065 As to household goods carriers, the provisions of this chapter shall be controlling, and no laws in
2066 conflict herewith, or inconsistent herewith, shall have any application to such carriers.

2067 § 46.2-2154. *Discontinuance of service.*

2068 Notwithstanding anything contained in this chapter to the contrary, no household goods carrier shall
2069 abandon or discontinue either temporarily or permanently any service established under the provisions
2070 of this chapter without permission of the Department and on such terms as the Department may
2071 prescribe.

2072 § 46.2-2155. *Power and duty of Department.*

2073 The Department shall regulate and control all household goods carriers not herein exempted, doing
2074 business in the Commonwealth, in all matters relating to the performance of their duties as such
2075 carriers and their rates and charges therefor, which rates and charges shall be filed with and subject to
2076 approval by the Department by individual household goods carriers or by groups of such carriers, and
2077 correct abuses by such carriers. To that end the Department may prescribe reasonable rules,
2078 regulations, bills of lading, forms and reports for such carriers to administer and enforce the provisions
2079 of this chapter. The Department shall have the right at all times to require from such carriers special
2080 reports and statements, under oath, concerning their business. It shall make and enforce such
2081 requirements, rules, and regulations as may be necessary to prevent unjust or unreasonable
2082 discriminations by any such carrier in favor of, or against, any person, locality, community or
2083 connecting carrier in the matter of service, schedule, efficiency of transportation or otherwise, in
2084 connection with the duties of such carriers. The Department may prescribe and enforce such reasonable
2085 requirements, rules and regulations in the matter of leasing of motor vehicles as are necessary to
2086 prevent evasion of the Department's regulatory powers.

2087 § 46.2-2156. *Solicitation, booking, registration by other persons prohibited; storage-in-transit.*

2088 A. No person except a certificated household goods carrier, its parent, or its wholly owned

2089 subsidiary company, or other entity under complete ownership, or an employee of the above certificated
 2090 carrier may solicit, book or register a shipment of household goods moving intrastate and only in the
 2091 name of that certificated carrier.

2092 B. No person or employee of a certificated or a noncertificated carrier may act as an employee,
 2093 representative, or agent for another certificated carrier for purpose of soliciting, booking or registering
 2094 an intrastate shipment except as provided in subsection A of this section. No person or employee of a
 2095 certificated carrier who solicits, books or registers intrastate shipments may be employed by a
 2096 noncertificated carrier.

2097 C. A certificated household goods carrier may utilize the services of another certificated household
 2098 goods carrier or a permitted property carrier that has complied with the minimum cargo insurance
 2099 requirements of this chapter for storage and final delivery on storage-in-transit shipments at destination.
 2100 A property carrier who does not hold a household goods certificate of public convenience and necessity
 2101 is prohibited from delivering a shipment for a greater distance than thirty road miles from the
 2102 warehouse. The shipment must move on the bill of lading of the originating certificated household goods
 2103 carrier with the delivering certificated household goods carrier or property carrier shown on the bill of
 2104 lading. The legal liability of the shipment remains the responsibility of the originating certificated
 2105 household goods carrier.

2106 D. A household goods carrier may interchange or interline shipments with any other certificated
 2107 household goods carrier provided both carriers hold proper authority to transport the shipment from
 2108 origin to destination. The shipment must move on the bill of lading of the originating certificated
 2109 household goods carrier with the delivering certificated household goods carrier shown on the bill of
 2110 lading. The legal liability of the shipment remains the responsibility of the originating certificated
 2111 household goods carrier.

2112 § 46.2-2157. Estimate of charges; penalties; information booklet for shippers.

2113 A. Household goods carriers may, upon request of a shipper, cause to be given to such shipper an
 2114 estimate of the charges for proposed services in the manner and form specified in this section:

2115 1. The estimate may be made only after a visual inspection of the goods by the estimator, or, be
 2116 based upon information furnished to the carrier by the shipper.

2117 2. If a written estimate is furnished, across the top of each form there shall be imprinted, in bold
 2118 type, the words "ESTIMATED COST OF SERVICES."

2119 3. The name, address and phone number of the carrier providing the estimate must be shown in a
 2120 legible manner on each estimate form.

2121 4. Imprinted thereunder in regular type shall be words to the effect "IMPORTANT NOTICE: This
 2122 estimate covers only the articles and services listed. It is not a guarantee that the actual charges will
 2123 not exceed the amount of the estimate. Household goods carriers are required by law to collect
 2124 transportation and other incidental charges computed on the basis of rates shown in their lawfully
 2125 published tariffs, regardless of prior rate quotations or estimates made by the carrier or its agents.
 2126 Exact charges for loading, transporting and unloading are based upon the weight of the goods
 2127 transported, and such charges may not be determined prior to the time the goods are loaded on the van
 2128 and weighed. Charges for additional services will be added to the transportation charges."

2129 5. The original or a true legible copy of each estimate form prepared in accordance with this section
 2130 may be delivered to the shipper and a copy thereof shall be maintained by the carrier as part of its
 2131 record of shipment.

2132 B. If the carrier provides a shipper with a written estimate, the carrier will give to the shipper an
 2133 information booklet that has been approved by the Department and will obtain a receipt therefor from
 2134 the shipper. Such receipt will become a part of the permanent file of the carrier.

2135 § 46.2-2158. Bill of Lading.

2136 A. A bill of lading shall be issued.

2137 B. A bill of lading shall contain the following information:

2138 1. Name, address and telephone number of the household goods carrier.

2139 2. Agreed pick-up period of time, the actual pick-up date and agreed delivery date or the agreed
 2140 period of time within which delivery of the shipment is expected at destination.

2141 3. True copies of the gross and tare weight tickets shall be attached to the bill of lading as soon as
 2142 such weight tickets are obtained. If the shipper is present at the weighing, he shall then be given a copy
 2143 of the gross and tare weight ticket upon request, otherwise, he shall be given a copy thereof at
 2144 destination upon request.

2145 4. The number of the vehicle onto which the shipment is loaded.

2146 5. Amount of charges and method of payment of total tariff charges.

2147 6. Total amount required to be paid in cash, certified check, bank cashier's check, traveler's check,
 2148 or postal money order to relinquish possession of a C.O.D. shipment.

2149 § 46.2-2159. Freight bill or freight bill/bill of lading.

2150 A. There shall be furnished by every household goods carrier at destination to the consignee of every
2151 C.O.D. shipment transported by him a freight bill, if a combination freight bill/bill of lading is not used,
2152 which bill shall contain the following information: point of origin, point of destination, date of shipment,
2153 description of article or commodity, weight of article or commodity rate, or rates applicable for the
2154 service rendered, statement of nature and amounts of charges for special services, where charges
2155 incurred, and method of payment of total tariff charges.

2156 B. If a carrier uses a uniform household goods bill of lading and freight bill, subsection A of this
2157 section shall not apply.

2158 § 46.2-2160. Bill of lading kept in vehicle; preserved in office.

2159 With every motor vehicle transporting household goods there shall be carried with such property on
2160 the same vehicle a copy of the bill of lading of all such property, which shall indicate the consignor,
2161 consignee, origin, destination and weight of each shipment on the motor vehicle. The original or a copy
2162 of the bill of lading shall be preserved in the office of such carrier for a period of at least three years.

2163 § 46.2-2161. Payment of tariff charges; payment of specific charges; discounts prohibited.

2164 A. The carrier will not deliver or relinquish possession of any property transported by it until all
2165 tariff rates and charges thereon have been paid in cash, postal money order, traveler's check, cashier's
2166 check, bank treasurer's check or certified check, except where other satisfactory arrangements have been
2167 made between the carrier and the consignor or consignee.

2168 B. Carrier may require prepayment of charges for a specific service in full or in part on or before
2169 commencing performance of such services as requested by shipper.

2170 C. No discounts of any character whatsoever shall be authorized by tariff provisions or otherwise
2171 allowed by any household goods carrier. No rates or charges shall be based upon prepayment of
2172 charges.

2173 § 46.2-2162. Carrier liability.

2174 A. No delivery acknowledgement on any shipping document to be signed by the consignee at time of
2175 delivery shall contain any language that purports to release or discharge the carrier or its agents from
2176 liability, other than a statement that the property has been received in apparent good condition except
2177 as noted on the shipping documents.

2178 B. Household goods carriers shall not assume any liability in excess of that for which they are
2179 legally liable under their lawful bills of lading and published tariffs.

2180 C. Household goods carriers shall not advertise or represent to the public that "all loads are
2181 insured" or other similar wording, unless such carrier has filed tariffs with the Department, assuming
2182 complete liability, and has filed evidence of insurance with the Department providing protection
2183 covering all shipments to their full value without limitation and insuring against every peril to which
2184 any shipment may be exposed.

2185 D. Shipper or his representative will acknowledge that the property has been received in apparent
2186 good condition except as noted on the shipping documents at time of delivery.

2187 § 46.2-2163. Determination of weights by certified scales.

2188 A. Each household goods carrier shall determine the tare weight of each vehicle used by having it
2189 weighed prior to, if practicable, the loading of each shipment under the following conditions:

2190 1. By a certified weighmaster or on a certified scale, and

2191 2. The vehicle shall contain all pads, chains, dollies, handtrucks and other equipment needed in the
2192 transportation of shipments to be loaded thereon.

2193 B. After the vehicle has been loaded it shall be weighed under the following conditions:

2194 1. At the certified scale nearest to the point of origin of the shipment, if practicable, and

2195 2. The vehicle shall contain all pads, chains, dollies, handtrucks and other equipment needed in the
2196 transportation of shipments to be loaded thereon.

2197 C. The net weight of the shipment shall be determined by deducting the tare weight from the gross
2198 weight and such weight shall be entered on the bill of lading.

2199 D. Where no certified scale is available at the point of origin, the gross weight shall be obtained at
2200 the nearest certified scale either in the direction of the movement of the shipment or in the direction of
2201 the next pick-up or delivery in the case of partial loads.

2202 In the transportation of partial loads, this section shall apply in all respects, except that the gross
2203 weight of a vehicle containing one or more partial loads shall be used as the tare weight of such
2204 vehicle as to partial loads subsequently loaded thereon.

2205 E. The person paying the freight charges, or his representative upon request of either, shall be
2206 permitted without charge to accompany, in his own conveyance, the carrier to the weighing station and
2207 to observe the weighing of his shipment after loading.

2208 The carrier shall use a certified scale that will permit the shipper to observe the weighing of his
2209 shipment without causing delay.

2210 § 46.2-2164. Constructive weight.

2211 If no certified scale is available at origin, at any point enroute, or at destination, a constructive

weight based upon seven pounds per cubic foot of properly loaded van space may be used.

§ 46.2-2165. Obtaining weight tickets.

The carrier shall obtain a weight ticket signed by the weighmaster or its driver for each weighing required under this section, with tare and gross weights evidenced by separate tickets, and the driver shall enter thereon the number of the bill of lading or shipper's name. No other alterations shall be made on any such ticket.

1. As soon as weight tickets are obtained, true copies thereof shall be attached to the bill of lading accompanying the shipment and retained in the carrier's file.

2. If a shipper requests, a true copy of each weight ticket pertaining to a shipment shall be given to the shipper at the weighing station if the shipper is present or upon delivery of the shipment if the shipper is not present at the weighing.

3. Any of the following shipments may be weighed on a certified scale or by a certified weighmaster prior to being loaded on the vehicle:

a. A part load for any one shipper not exceeding 1,000 pounds;

b. An automobile or other article weighing in excess of 500 pounds, which is mounted on wheels;

c. A shipment that the carrier containerizes for further transportation, in which case, the net weight of the shipment shall be the gross weight of the container less the tare weight of the container. The gross weight of the container shall be as packed and prepared for shipment and the tare weight of the container shall include all of the pads, skins, blocking and bracing used, or to be used, to protect the contents of the container, but not including packing materials used in the preliminary packing of the shipment.

§ 46.2-2166. Minimum weight shipments, notice.

No carrier shall accept an order for a shipment for transportation that appears to be subject to the minimum weight provisions of the carrier's tariff without first having advised the shipper of such minimum weight provisions.

§ 46.2-2167. Reweighing of shipment.

The household goods carrier, upon request of shipper, or his representative made prior to the delivery shall reweigh the shipment subject to the availability of scales at destination.

1. The household goods carrier shall inform the person requesting the reweigh, within a reasonable time prior to the gross reweighing, of the tariff charges therefor and the location of a certified scale in close proximity to the destination of the shipment that shall be used, and of the right of the shipper, or his representative, to observe the gross and tare reweighing.

2. The household goods carrier, without altering or deleting the initial weights, shall cause to be recorded on the bill of lading the gross, tare and net weights on reweigh, and shall give the shipper, or his representative, original or true copies of the weight tickets on reweigh in the same manner as prescribed in subdivision 2 of § 46.2-2165 for initial weighing.

3. The lower of the two net scale weights shall be used for determining the applicable charges.

4. The household goods carrier may publish in its tariff a reasonable charge for reweighing shipments, which charge shall be applicable when the reweigh develops a net scale weight in excess of the initial net scale weight or if the difference between the initial net scale weight and the reweight net scale weight is less than 100 pounds on a shipment weighing 5,000 pounds or less or two percent or less of the lower net scale weight on shipments in excess of 5,000 pounds.

§ 46.2-2168. Claims.

A. Every household goods carrier that receives a written claim for loss of or damage to property transported by it shall:

1. Acknowledge receipt of such claim in writing to the claimant within thirty calendar days after its receipt by the carrier. The carrier shall, at the time such claim is received, cause the date of receipt to be recorded on the claim;

2. Pay, decline or make a firm compromise settlement offer in writing to the claimant within 120 days after receipt of the claim by the carrier or its agent.

B. If the claim cannot be processed and disposed of within 120 days after the receipt thereof, the carrier shall, at that time and the expiration of each succeeding thirty-day period while the claim remains pending, advise the claimant in writing of the status of the claim and the reasons for the delay in making final disposition thereof.

C. No household goods carrier shall provide by contract or otherwise a shorter period for the filing of loss and damage claims than thirty calendar days, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice.

§ 46.2-2169. Tariffs showing rates and charges, etc.

Every household goods carrier by motor vehicle shall file with the Department at least thirty days

2273 before the effective date and make available for public inspection, tariffs showing all the rates and
2274 charges for transportation, and all services in connection therewith. Such rates and charges shall be
2275 stated in terms of lawful money of the United States. The tariffs required by this section shall be
2276 published, filed, and posted in such form and manner, and shall contain such information as the
2277 Department may prescribe. The Department is authorized to reject any tariff filed with it that is not in
2278 consonance with this section and with such regulations. Any tariff so rejected by the Department shall
2279 be void, and its use shall be unlawful.

2280 § 46.2-2170. Unlawful to charge other than published tariff.

2281 No household goods carrier shall charge or demand or collect or receive a greater or less or
2282 different compensation for transportation or for any service in connection therewith than the rates and
2283 charges specified in the tariffs in effect at the time.

2284 § 46.2-2171. Changes in tariffs.

2285 No change shall be made in any rate or charge, or any rule, regulation, or practice affecting such
2286 rate or charge, or the value of the service thereunder, specified in any effective tariff of a household
2287 goods carrier, except after thirty days' notice of the proposed change. Such notice shall plainly state the
2288 change proposed to be made and the time when such change will take effect. The Department may, in
2289 its discretion and for good cause shown, allow such change upon notice less than that herein specified
2290 or modify the requirements of this section with respect to posting and filing of tariffs.

2291 § 46.2-2172. Joint tariffs; power of attorney.

2292 A. A household goods carrier may authorize an agent or may join with another carrier or carriers in
2293 the publication of a joint tariff, supplement or amendment, and, where such authority is given, shall file
2294 with the Department prior to publication power of attorney or notice of concurrence, which shall
2295 specifically set out the authority given.

2296 B. Where a household goods carrier issues a power of attorney to an agent or a concurrence to
2297 another carrier for the publication of tariffs, such power of attorney or concurrence may not be revoked
2298 except upon sixty days' notice to the Department and the agent or carrier to which the power of
2299 attorney or concurrence was issued, except upon special permission of the Department.

2300 § 46.2-2173. Tariff contents.

2301 Tariff contents shall contain certain information:

2302 1. Table of contents, arranged in alphabetical order, showing the number of the page and/or item
2303 number on which each subject may be found. If a tariff contains so small a volume of matter that its
2304 title page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

2305 2. A complete list of all carriers participating in the tariff, or reference to the governing publication
2306 which participation is shown.

2307 3. A complete index of all commodities on which specific rates are named therein, together with
2308 reference to the page and/or items in which they are shown. No index need be shown in tariffs of less
2309 than five pages, or if all the rates to each destination are alphabetically arranged by commodities.

2310 4. Explanations of all notes, abbreviations, symbols and reference marks used in tariff.

2311 5. Rules that govern in clear and explicit terms, setting forth all privileges and services covered.

2312 6. Any exceptions to the application of rates named, and non-application of rates named therein.

2313 7. All line haul transportation rates must be explicitly stated in cents, or in dollars and cents per
2314 100 pounds and shall not establish rates upon any other basis.

2315 8. Household goods carriers shall establish the charge to be made for each accessorial or terminal
2316 service rendered in connection with the shipment. The tariff shall separately state each service to be
2317 rendered and the charge therefor.

2318 a. The charges for packing and unpacking shall be stated in amounts per container or per hundred
2319 weight.

2320 b. An hourly labor charge may be established to cover miscellaneous labor services performed at the
2321 request of the shipper when a rate is not separately stated for the service requested.

2322 9. Tariffs based on distances from point of origin to destination shall show the mileages or indicate
2323 a definite method by which such mileages shall be determined.

2324 Article 5.

2325 Brokers.

2326 § 46.2-2174. Regulation of brokers.

2327 The Department shall regulate brokers and make and enforce reasonable requirements respecting
2328 their licenses, financial responsibility, accounts, records, reports, operations and practices.

2329 § 46.2-2175. Broker's license required.

2330 No person shall for compensation sell or offer for sale transportation subject to this chapter or shall
2331 make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for such
2332 transportation or shall hold himself out by advertisement, solicitation, or otherwise as one who sells,
2333 provides, procures, contracts, or arranges for such transportation, unless such person holds a broker's
2334 license issued by the Department to engage in such transactions; however, the provisions of this section

2335 shall not apply to any carrier holding a certificate or permit under the provisions of this chapter or to
2336 any bona fide employee or agent of such motor carrier, so far as concerns transportation to be
2337 furnished wholly by such carrier or jointly with other motor carriers holding like certificates or permits.

2338 § 46.2-2176. Broker's license not substitute for other certificates or permits.

2339 No person who holds a broker's license under this article shall engage in transportation subject to
2340 this chapter unless he holds a certificate or permit as provided in this chapter. In the execution of any
2341 contract, agreement, or arrangement to sell, provide, procure, furnish, or arrange for such
2342 transportation, it shall be unlawful for such person to employ any carrier by motor vehicle who is not
2343 the lawful holder of an effective certificate or permit issued as provided in this chapter.

2344 2. That §§ 46.2-757 through 46.2-762, 46.2-764 through 46.2-768, 46.2-2000.2, 46.2-2002, 46.2-2003,
2345 46.2-2004, 46.2-2006 through 46.2-2011, 46.2-2012 through 46.2-2043, 46.2-2045 through 46.2-2050,
2346 46.2-2103 through 46.2-2108, 46.2-2110 through 46.2-2114, 46.2-2200 through 46.2-2209, 46.2-2300
2347 through 46.2-2312, 46.2-2400 through 46.2-2409, 46.2-2500 through 46.2-2519, and 46.2-2600
2348 through 46.2-2610 of the Code of Virginia are repealed.