

# VIRGINIA ACTS OF ASSEMBLY -- 2002 RECONVENED SESSION

## CHAPTER 870

*An Act to amend and reenact §§ 46.2-2001.3, 46.2-2005, and 46.2-2109 of the Code of Virginia, relating to motor carriers of property and passengers.*

[H 541]

Approved April 17, 2002

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

**1. That §§ 46.2-2001.3, 46.2-2005, and 46.2-2109 of the Code of Virginia are amended and reenacted as follows:**

§ 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 § ~~46.2-2011.26~~ 46.2-2011.24 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. Action on applications; hearings on denials and protests.

A. ~~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 fix a time and place of hearing on an application therefor if may act upon any application required under this chapter without a hearing, unless such application is protested by any aggrieved party, or evidence would warrant further investigation by the Department.~~ Aggrieved 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.

*B. Any applicant denied without a hearing an original license or certificate under subsection A, or any request for a transfer of such a license or certificate, shall be given a hearing at a time and place determined by the Commissioner or his designee upon the applicant's written request for such hearing made within thirty days of denial.*

§ 46.2-2109. Action on applications; hearings on denials and protests.

~~Upon the filing of an application for an original license or certificate of public convenience and necessity, or any request for a transfer of such license or certificate, The Department shall fix a time and place of hearing on an application therefor, if may act upon any application required under this chapter without a hearing, unless such application is protested by any aggrieved party, or evidence would warrant further investigation by the Department.~~ Aggrieved 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.

*B. Any applicant denied without a hearing an original license or certificate of public convenience and necessity under subsection A, or any request for a transfer for such license or certificate, shall be given a hearing at a time and place determined by the Commissioner or his designee upon the applicant's written request for such hearing made within thirty days of denial.*