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## SENATE BILL NO. 723

Offered January 27, 2006

A BILL to amend and reenact §§ 46.2-694 and 58.1-2425 of the Code of Virginia, relating to fees for registration of certain motor vehicles; dedication of proceeds.

\_\_\_\_\_  
Patron—Houck

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Introduced at the request of Governor

\_\_\_\_\_  
Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:****1. That §§ 46.2-694 and 58.1-2425 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-694. Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 2,499 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

1a. *Thirty-one dollars for each private passenger car or motor home if the passenger car or motor home weighs more than 2,499 pounds but less than 3,601 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.*

2. ~~Twenty-eight~~ *Forty-one* dollars for each passenger car or motor home ~~which~~ *that* weighs more than 4,000 3,600 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. ~~Thirty~~ *Forty-two* cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults including the driver if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than ~~\$23~~ *\$31* if the vehicle weighs 4,000 3,600 pounds or less or ~~\$28~~ *\$41* if the vehicle weighs more than 4,000 3,600 pounds.

4. ~~Thirty~~ *Forty-two* cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than ~~\$23~~ *\$31* if the vehicle weighs 4,000 3,600 pounds or less or ~~\$28~~ *\$41* if the vehicle weighs more than 4,000 3,600 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. ~~Thirteen~~ *Eighteen* dollars plus \$ ~~0.30~~ *\$0.42* per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$ ~~5~~ *\$10* shall be charged if the motor vehicle weighs more than 4,000 3,600 pounds.

7. ~~Thirteen~~ *Eighteen* dollars plus \$ ~~0.70~~ *\$0.98* per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$ ~~5~~ *\$10* shall be charged if the motor vehicle weighs more than 4,000 3,600 pounds. In lieu of the foregoing fee of \$ ~~0.70~~ *\$0.98* per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be

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59 traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment  
60 in accordance with an audit to be made by representatives of the Commissioner at the end of such  
61 license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing  
62 into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be  
63 paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned  
64 registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the  
65 Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

66 8. ~~Thirteen~~ *Eighteen* dollars plus \$ ~~0.80~~ *\$1.12* per 100 pounds or major fraction thereof for each  
67 motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a  
68 chauffeur for the transportation of passengers. An additional fee of \$~~5~~ *\$10* shall be charged if the  
69 vehicle weighs more than ~~4,000~~ *3,600* pounds. This ~~subsection~~ *subdivision* does not apply to vehicles  
70 used as common carriers.

71 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a  
72 chauffeur for the transportation of passengers, and which operates or should operate under permits issued  
73 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs  
74 more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

75 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a  
76 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

77 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for  
78 the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of  
79 the vehicle exceeds 4,000 pounds, the fee shall be \$28.

80 12. ~~Thirteen~~ *Eighteen* dollars plus \$ ~~0.70~~ *\$0.98* per 100 pounds or major fraction thereof for other  
81 passenger-carrying vehicles.

82 13. An additional fee of \$4 per year shall be charged and collected at the time of registration of each  
83 pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All  
84 funds collected pursuant to this subdivision shall be paid into the state treasury and shall be set aside as  
85 a special fund to be used only for emergency medical service purposes. The moneys in the special fund  
86 shall be distributed as follows:

87 a. Two percent shall be distributed to the State Department of Health to provide funding to the  
88 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting  
89 volunteer recruitment, retention and training activities;

90 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency  
91 medical services training programs (excluding advanced life support classes); (ii) advanced life support  
92 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and  
93 retain volunteer emergency medical services personnel only, including public awareness campaigns,  
94 technical assistance programs, and similar activities); (iv) emergency medical services system  
95 development, initiatives, and priorities based on needs identified by the State Emergency Medical  
96 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical  
97 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication  
98 enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for  
99 distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to  
100 the Rescue Squad Assistance Fund;

101 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

102 d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical  
103 Services for use in emergency medical services; and

104 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is  
105 registered, to provide funding for training of volunteer or salaried emergency medical service personnel  
106 of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment  
107 and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

108 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these  
109 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall  
110 be in addition to any local appropriations and local governing bodies shall not use these funds to  
111 supplant local funds. Each local governing body shall report annually to the Board of Health on the use  
112 of the funds returned to it pursuant to this section. In any case in which the local governing body grants  
113 the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit  
114 emergency medical and rescue services, the local governing body shall remain responsible for the proper  
115 use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the  
116 locality pursuant to this section for that year has not been received from a local governing body, any  
117 funds due to that local governing body for the next fiscal year shall be retained until such time as the  
118 report has been submitted to the Board.

119 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646  
120 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or

§ 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

*C1. In addition to all other fees required by law, there is imposed a \$1 annual fee for the registration by the Department of Motor Vehicles of each motor vehicle, to be charged and collected at the time of registration under subdivisions A1 through A13.*

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 58.1-2425. Disposition of revenues.

A. All funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) all funds collected from the additional tax imposed by subdivision A 4 of § 58.1-2402 on the rental of daily rental vehicles shall be distributed quarterly to the city, town, or county wherein such vehicle was delivered to the rentee; (iii) effective January 1, 1987, an amount equivalent to the net additional revenues generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402 and this section shall be distributed to and paid into the Transportation Trust Fund, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; (iv) *effective July 1, 2006, an amount equivalent to the net additional revenues generated by enactments of the 2006 Session of the General Assembly shall be deposited into the Priority Transportation Fund for additional activities or projects that leverage local cost-sharing for transportation purposes;* (v) except as otherwise provided in clause (iii) of this sentence, all moneys collected from the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A 3 of § 58.1-2402 at the tax rate in effect on December 31, 1986, shall be paid by the Commissioner into the state treasury and shall be paid into the Rail Enhancement Fund established by § 33.1-221.1:1.1; and ~~(v)~~ (vi) all additional revenues resulting from the fee imposed under subdivision A 5 of § 58.1-2402 as enacted by the 2004 Session of the General Assembly shall be used to pay the debt service on the bonds issued by the Virginia Public Building Authority for the Statewide Agencies Radio System (STARS) for the Department of State Police pursuant to the authority granted by the 2004 Session of the General Assembly.

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (iii) of subsection A of this section, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.

**2. That the revenue generated by this act shall be used solely for transportation purposes.**

**3. That the provisions of this act shall expire on December 31 of any year in which the General Assembly appropriates any of the revenue generated under this act for any purpose other than transportation.**