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SENATE BILL NO. 1363

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 25, 2007)

(Patron Prior to Substitute—Senator Colgan)

A BILL to amend and reenact §§ 46.2-1157 and 46.2-1163 of the Code of Virginia, relating to inspections and required display of vehicle safety inspection stickers.

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-1157 and 46.2-1163 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-1157. Requirement of inspection; well-drilling machinery, antique motor vehicle or antique trailer excepted.

The Superintendent may compel, by proclamation of the Governor or otherwise, the owner or operator of any motor vehicle, trailer, or semitrailer registered in Virginia and operated *or parked* on a highway within this Commonwealth to submit his vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with § 46.2-1158. No owner or operator shall fail to submit a motor vehicle, trailer, or semitrailer operated *or parked* on the highways in this Commonwealth to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of this title any mechanical defects found by such inspection to exist.

The provisions of this section requiring safety inspections of motor vehicles shall also apply to vehicles used for fire fighting; inspections of fire-fighting vehicles shall be conducted pursuant to regulations promulgated by the Superintendent of State Police, taking into consideration the special purpose of such vehicles and the conditions under which they operate.

Each day during which such motor vehicle, trailer, or semitrailer is operated *or parked* on any highway in this Commonwealth after failure to comply with this law shall constitute a separate offense. However, no penalty shall be imposed on any owner or operator for operation of a motor vehicle, trailer, or semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route between the place where such vehicle is kept or garaged and an official inspection station, for the purpose of having it inspected pursuant to a prior appointment with such station.

Further, no penalty shall be imposed on any owner or operator of a truck, tractor truck, trailer, or semitrailer for which the period fixed for inspection has expired while the vehicle was outside the Commonwealth and that penalty is for operation of such vehicle (i) from a point outside the Commonwealth to the place where such vehicle is kept or garaged within the Commonwealth or (ii) to a destination within the Commonwealth where such vehicle will be (a) unloaded within 24 hours of entering the Commonwealth, (b) inspected within such 24-hour period, and (c) after being unloaded, will be operated only to an inspection station or to the place where it is kept or garaged within the Commonwealth.

Notwithstanding other provisions of this section, a new motor vehicle, as defined in § 46.2-1500, that has been inspected in accordance with an inspection requirement of the manufacturer or distributor of the new motor vehicle by an employee who customarily performs such inspection on behalf of a motor vehicle dealer licensed pursuant to § 46.2-1508 shall be deemed to have met the safety inspection requirements of the section without a separate safety inspection by an official inspection station. Such inspection shall be deemed to be the first inspection for the purpose of § 46.2-1158, and an inspection approval sticker furnished by the Department of State Police at the uniform price paid by all official inspection stations to the Department of State Police for an inspection approval sticker may be affixed to the vehicle as required by § 46.2-1163.

The provisions of this section shall not apply to any vehicle for transporting well-drilling machinery licensed under § 46.2-700 or to any antique motor vehicle or antique trailer as defined in § 46.2-100 and licensed pursuant to § 46.2-730.

Notwithstanding the penalty provisions of § 46.2-1171, a violation of this section constitutes a traffic infraction.

§ 46.2-1163. Official inspection stations; safety inspection approval stickers; actions of Superintendent subject to the Administrative Process Act.

The Superintendent may designate, furnish instructions to, and supervise official inspection stations for the inspection of motor vehicles, trailers, and semitrailers and for adjusting and correcting equipment enumerated in this chapter in such a manner as to conform to specifications hereinbefore set forth. The Superintendent shall adopt and furnish to such official inspection stations regulations governing the making of inspections required by this chapter. The Superintendent may at any time, after five days' written notice, revoke the designation of any official inspection station designated by him.

If no defects are discovered or when the equipment has been corrected in accordance with this title,

60 the official inspection station shall issue to the operator or owner of the vehicle, on forms furnished by
61 the Department of State Police, a duplicate of which is retained by such station, a certificate showing
62 the date of correction, registration number of the vehicle, and the official designation of such station.
63 There also shall be placed on the windshield of the vehicle at a place to be designated by the
64 Superintendent an approval sticker furnished by the Department of State Police. If any vehicle is not
65 equipped with a windshield, the approval sticker shall be placed on the vehicle in a location designated
66 by the Superintendent. If the vehicle is a motorcycle, the approval sticker may be placed on a plate
67 securely fastened to the motorcycle for the purpose of displaying the sticker or in any other location
68 designated by the Superintendent. This sticker shall be displayed on the windshield of such vehicle or at
69 such other designated place upon the vehicle at all times when it is operated *or parked* on the highways
70 in the Commonwealth and until such time as a new inspection period shall be designated and a new
71 inspection sticker issued. Common carriers, operating under certificate from the State Corporation
72 Commission or the Department of Motor Vehicles, who desire to do so may use with the approval of
73 the Superintendent private inspection stations for the inspection and correction of their equipment.
74 Actions of the Superintendent relating to official inspection stations shall be governed by the
75 provisions of the Administrative Process Act (§ 2.2-4000 et seq.).