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SENATE BILL NO. 1379

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on February 2, 2007)

(Patron Prior to Substitute—Senator Potts)

A BILL to amend and reenact §§ 2.2-1509.2, 2.2-1514, 15.2-4832, 15.2-4839, 33.1-12, 33.1-23.03:8, 33.1-221.1:1.1, 33.1-221.1:1.2, 33.1-268, 33.1-269, 33.1-277, 33.1-391.3:1, 46.2-694, 46.2-694.1, 46.2-697, 46.2-698, 46.2-700, 46.2-730, 46.2-752, 46.2-753, 46.2-1135, 58.1-540, 58.1-802, 58.1-811, 58.1-812, 58.1-813, 58.1-815, 58.1-815.1, 58.1-816.1, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2403, 58.1-2425, 58.1-2701, and 58.1-2706 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 15.2-4838.1, 15.2-4838.2, 33.1-23.03:10, 46.2-206.1, 46.2-702.1, 46.2-755.1, 58.1-605.1, 58.1-605.2, 58.1-606.1, 58.1-606.2, 58.1-802.1, 58.1-2402.1, 58.1-2402.2, and 58.1-3825.1, by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.17, by adding in Chapter 6 of Title 58.1 a section numbered 58.1-639.1, by adding in Chapter 22 of Title 58.1 an article numbered 8.1, consisting of a section numbered 58.1-2288.1, and by adding in Article 2 of Chapter 25 of Title 58.1 a section numbered 58.1-2531; and to repeal the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly of 2000, relating to the administration and funding of transportation in the Commonwealth, including appropriating certain revenues for transportation funding, and to authorize the Commonwealth Transportation Board to issue certain bonds for the funding of transportation.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1509.2, 2.2-1514, 15.2-4832, 15.2-4839, 33.1-12, 33.1-23.03:8, 33.1-221.1:1.1, 33.1-221.1:1.2, 33.1-268, 33.1-269, 33.1-277, 33.1-391.3:1, 46.2-694, 46.2-694.1, 46.2-697, 46.2-698, 46.2-700, 46.2-730, 46.2-752, 46.2-753, 46.2-1135, 58.1-540, 58.1-802, 58.1-811, 58.1-812, 58.1-813, 58.1-815, 58.1-815.1, 58.1-816.1, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2403, 58.1-2425, 58.1-2701, and 58.1-2706 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-4838.1, 15.2-4838.2, 33.1-23.03:10, 46.2-206.1, 46.2-702.1, 46.2-755.1, 58.1-605.1, 58.1-605.2, 58.1-606.1, 58.1-606.2, 58.1-802.1, 58.1-2402.1, 58.1-2402.2, and 58.1-3825.1, by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.17, by adding in Chapter 6 of Title 58.1 a section numbered 58.1-639.1, by adding in Chapter 22 of Title 58.1 an article numbered 8.1, consisting of a section numbered 58.1-2288.1, and by adding in Article 2 of Chapter 25 of Title 58.1 a section numbered 58.1-2531 as follows:

§ 2.2-1509.2. Use of transportation moneys.

If any money in the Highway Maintenance and Operating Fund or the Transportation Trust Fund established pursuant to § 33.1-23.03:1 is proposed to be used for any purpose other than administering, planning, constructing, improving, and maintaining the roads embraced in the systems of highways for the Commonwealth and its localities and/or furthering the interests of the Commonwealth in the areas of public transportation, railways, seaports, and/or airports, then the Governor, if such diversion is proposed by the Governor, shall include with any such proposal a plan for repayment of funds diverted within three years of such use in "The Budget Bill" submitted pursuant to § 2.2-1509.

If such diversion of funds from the Highway Maintenance and Operating Fund or the Transportation Trust Fund is proposed by the General Assembly as an amendment to the Budget Bill, such amendment shall include language setting out the plan for repayment of such funds within three years.

A. All moneys credited to the Highway Maintenance and Operating Fund, the Priority Transportation Fund, the Shortline Railway Preservation and Development Fund, the Rail Enhancement Fund, the Transportation Trust Fund, the Transportation Future Fund, hereinafter referred to as "the Funds," or any related subaccount, fund, or subfund of any of the Funds shall be used for the purposes specified in this section.

B. 1. Such moneys credited to the Funds shall be the revenues designated for deposit into any of the Funds from (i) the revenues generated annually from the taxes, fees, or other charges imposed under Titles 33.1 and 46.2 of the Code of Virginia for such Funds; (ii) the revenues generated annually pursuant to Chapters 11, 12, and 15 of the Acts of Assembly of 1986, Special Session, as the provisions of such Chapters may be amended; (iii) the revenues generated annually from Chapters 6 (§ 58.1-600 et seq.), 8 (§ 58.1-800 et seq.), 22 (§ 58.1-2200 et seq.), 24 (§ 58.1-2400 et seq.), 25 (§ 58.1-2500 et seq.), and 27 (§ 58.1-2700 et seq.) of Title 58.1; (iv) the revenues deposited into the Transportation Future Fund established under § 33.1-23.03:10 pursuant to enactments of the 2007 Session of the General Assembly; and (v) such other sources as the General Assembly may dedicate or appropriate to any of the Funds. In addition, all interest, dividends, or appreciation accruing to any of the Funds shall also

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60 *be part of the Funds and shall be used for the purposes specified in this section.*

61 *2. The revenues described in subdivision 1 shall include but are not limited to the revenues described*
62 *in subdivisions A 1, A 2, and A 3 of § 33.1-23.03:8; all taxes and fees collected under Chapter 27*
63 *(§ 58.1-2700 et seq.) of Title 58.1 credited to the Highway Maintenance and Operating Fund as*
64 *provided in subsection C of § 58.1-2701; all funds, tolls, revenues, amounts required to be paid over to*
65 *the Transportation Trust Fund, and interest, dividends, and appreciation accruing to the Transportation*
66 *Trust Fund or the Highway Maintenance and Operating Fund, as designated for the Transportation*
67 *Trust Fund pursuant to § 33.1-23.03:1; all state recordation taxes deposited into the U.S. Route 58*
68 *Corridor Development Fund pursuant to § 58.1-815; all state recordation taxes deposited or transferred*
69 *into the Northern Virginia Transportation District Fund pursuant to § 58.1-815.1 and any public*
70 *rights-of-way use fees or state or local revenues deposited into the Northern Virginia Transportation*
71 *District Fund pursuant to such section; all state recordation taxes deposited or transferred into the*
72 *Transportation Improvement Program Set-aside Fund pursuant to § 58.1-816.1; the revenues deposited*
73 *into the Shortline Railway Preservation and Development Fund, the Rail Enhancement Fund, and the*
74 *Commonwealth Mass Transit Fund as provided in § 33.1-23.03:10 pursuant to enactments of the 2007*
75 *Session of the General Assembly; the revenues from the motor vehicle sales and use tax deposited into*
76 *the Transportation Trust Fund pursuant to subsection A of § 58.1-2425; the net revenues from one-third*
77 *of all insurance license taxes used for transportation purposes to enactments of the 2007 Session of the*
78 *General Assembly; the revenues from the vehicle registration fees deposited into the Transportation*
79 *Future Fund as provided under § 46.2-702.1 pursuant to enactments of the 2007 Session of the General*
80 *Assembly; the revenues from the fuels taxes deposited into the Transportation Future Fund as provided*
81 *in subsection F of § 58.1-2289 pursuant to enactments of the 2007 Session of the General Assembly; the*
82 *revenues from the motor vehicle sales and use tax deposited into the Rail Enhancement Fund as*
83 *provided in clause (iv) of subsection A of § 58.1-2425; the revenues from the liquidated damages*
84 *deposited into the Transportation Future Fund as provided in § 46.2-1135 pursuant to enactments of the*
85 *2007 Session of the General Assembly; the revenues from fees on certain drivers deposited into the*
86 *Transportation Future Fund as provided in § 46.2-206.1 pursuant to enactments of the 2007 Session of*
87 *the General Assembly; any damages and costs collected pursuant to § 33.1-191 as designated for*
88 *deposit into the Transportation Trust Fund under such section; any civil penalties, and interest thereon,*
89 *and cost recoveries designated for deposit into any of the Funds as provided under law; fees for*
90 *dealer's license plates designated for deposit into the Transportation Trust Fund pursuant to*
91 *§ 46.2-1546; any excess earnings to be deposited into the Transportation Trust Fund under a*
92 *comprehensive agreement entered into under the Public-Private Transportation Act of 1995 (§ 56-556 et*
93 *seq.) pursuant to subsection E of § 56-566; revenues from the lease, sale, or other conveyance made by*
94 *the Commonwealth Transportation Board that are designated for deposit into any of the Funds as*
95 *provided under law; and any locally generated revenues deposited into any of the Funds as provided*
96 *under law.*

97 *C. All moneys credited to the Funds shall be used solely for purposes of:*

98 *1. Administering, planning, constructing, improving, or maintaining the roads embraced in the*
99 *systems of highways for the Commonwealth and its localities, including access roads and bikeways*
100 *adjacent thereto, or furthering the interests of the Commonwealth in the areas of highways, public*
101 *transportation, railways, seaports, airports, and congestion mitigation;*

102 *2. Making payments on bonds or other obligations (including bond anticipation notes and refunding*
103 *bonds) that have been issued or entered into to finance transportation projects that are directly related*
104 *to the purposes described in subdivision 1; or*

105 *3. Making loans to finance transportation projects that are directly related to the purposes described*
106 *in subdivision 1.*

107 *D. Except as otherwise provided in this section, no revenues of the Commonwealth generated by*
108 *taxes, fees, assessments, or any other charges imposed by the Commonwealth shall be used for any*
109 *transportation-related purpose except for (i) making debt service payments on any transportation-related*
110 *bonds or other transportation-related obligations issued pursuant to subsection (b), (c), or (d) of Section*
111 *9 of Article X of this Constitution in those cases in which the revenues dedicated for the payment of the*
112 *debt service on such bonds or other obligations are insufficient to make full payment; (ii) purposes of*
113 *making the \$40 million deposit under § 58.1-815 and the \$40 million deposit under § 58.1-816,*
114 *including any portion of such \$40 million deposit under § 58.1-816 that is actually deposited or*
115 *transferred into (a) the Northern Virginia Transportation District Fund established under § 58.1-815.1*
116 *or (b) the Transportation Improvement Program Set-aside Fund established under § 58.1-816.1; or (iii)*
117 *the funding of transportation-related purposes in an amount not to exceed (c) \$161 million in the*
118 *Commonwealth's fiscal year starting on July 1, 2007, and (d) \$66.1 million in any fiscal year beginning*
119 *on or after July 1, 2008, which amounts shall be in addition to any moneys used for transportation*
120 *under clauses (i) and (ii) of this subsection.*

121 *§ 2.2-1514. Designation of general fund for nonrecurring expenditures.*

A. As used in this section:

"The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1503.2, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act. *Such term shall not include any expenditures relating to transportation, including but not limited to transportation maintenance.*

B. At the end of each fiscal year, the Comptroller shall designate within his annual report pursuant to § 2.2-813 ~~an amount~~ *amounts* for nonrecurring expenditures *and for deposit into the Transportation Future Fund established under § 33.1-23.03:10, which amounts combined* shall equal the remaining amount of the general fund balance that is not otherwise reserved or designated. *Of the remaining amount of the general fund balance that is not otherwise reserved or designated, the Comptroller shall designate 50% of such amount for nonrecurring expenditures with the remaining 50% of such amount designated for deposit into the Transportation Future Fund.* No such designation shall be made unless the full amounts required for other reserves or designations including, but not limited to, (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, and (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 2.2-5005 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 2.2-5005 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for nonrecurring expenditures *and an amount for deposit into the Transportation Future Fund* equal to the ~~amount~~ *amounts* designated by the Comptroller for such ~~purpose~~ *purposes* pursuant to the provisions of subsection B ~~of this section~~.

§ 15.2-4832. Composition of Authority; membership; terms.

The Authority shall consist of ~~16~~ 20 members as follows:

The chief elected officer of the governing body of each county and city embraced by the Authority or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of such governing body;

~~Two~~ Four members of the House of Delegates who reside in different counties or cities embraced by the Authority, appointed by the Speaker of the House, to the extent practicable, from the membership of the House Committee on Appropriations, the House Committee on Finance, or the House Committee on Transportation;

~~One member~~ Two members of the Senate who ~~resides in a county or city~~ *reside in different counties or cities* embraced by the Authority, appointed by the Senate Committee on Rules, to the extent practicable, from the membership of the Senate Committee on Finance and the Senate Committee on Transportation; ~~and~~

One mayor of a town with a population of at least 3,500 that is within any county embraced by the Authority, appointed by the Governor, with future appointees to this position rotated equally among all such towns; and

Two citizens who reside in counties and cities embraced by the Authority, appointed by the Governor. One gubernatorial appointment shall include a member of the Commonwealth Transportation Board who resides in a county or city embraced by the Authority. The remaining gubernatorial appointment shall be a person who has significant experience in transportation planning, finance, engineering, construction, or management and shall be a resident of a county or city embraced by the Authority, but shall not be a resident of the same county or city as the other gubernatorial appointee to the Authority.

Legislative members shall serve terms coincident with their terms of office. The gubernatorial appointee who is not a member of the Commonwealth Transportation Board shall serve for a term of four years. *The town mayor member shall serve for a term of two years.* Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

In addition, the following persons shall serve as nonvoting members of the Authority: the Director of the Virginia Department of Rail and Public Transportation, or his designee, and the Commonwealth

183 Transportation Commissioner, or his designee.

184 The Authority shall appoint the chairman and vice-chairman.

185 § 15.2-4838.1. Use of certain revenues by the Authority.

186 A. All moneys received by the Authority pursuant to §§ 46.2-755.1, 58.1-605.1, 58.1-606.1,
187 58.1-2402.1, and 58.1-3825.1 shall be used by the Authority solely for the primary benefit of those
188 counties and cities that are imposing all of the taxes and fees set forth in such sections.

189 Notwithstanding any other provision of this chapter, all moneys received by the Authority pursuant
190 §§ 46.2-755.1, 58.1-605.1, 58.1-606.1, 58.1-2402.1, and 58.1-3825.1 shall be used first to pay any debt
191 service owing on any bonds issued pursuant to § 15.2-4839, and then as follows:

192 1. Up to the first \$50 million received from such moneys in each fiscal year shall be distributed to
193 the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to WMATA as may be
194 required under federal law for the payment of certain federal funds to WMATA. The Northern Virginia
195 Transportation Authority shall make such annual distribution from such revenues (i) only to the extent
196 required under federal law for the payment of federal funds to WMATA and (ii) only if the Counties of
197 Arlington and Fairfax and the City of Alexandria are, on and after March 1, 2008, imposing all of the
198 taxes and the fees authorized pursuant to §§ 46.2-755.1, 58.1-605.1, 58.1-606.1, 58.1-2402.1, and
199 58.1-3825.1;

200 2. The next \$25 million received from such moneys by the Authority in each fiscal year shall be
201 distributed to the Virginia Railway Express for capital projects or operating costs directly relating to
202 transportation by rail, but only if Prince William County is, on and after March 1, 2008, imposing all
203 of the taxes and the fees authorized pursuant to §§ 46.2-755.1, 58.1-605.1, 58.1-606.1, 58.1-2402.1, and
204 58.1-3825.1; and

205 3. All other remaining revenues received pursuant to §§ 46.2-755.1, 58.1-605.1, 58.1-606.1,
206 58.1-2402.1, and 58.1-3825.1 shall be used by the Authority solely for transportation projects for the
207 localities that are embraced by the Authority as determined by the Authority subject to all conditions
208 under this chapter.

209 B. Notwithstanding any other provision of this chapter, each dollar of revenue deposited into the
210 Special Transportation Fund for Northern Virginia pursuant to subsection C of § 58.1-802 shall be
211 expended or used solely for transportation facilities in the county or city from which such revenue is
212 generated.

213 § 15.2-4838.2. Special Transportation Fund for Northern Virginia established.

214 There is hereby created in the state treasury a special nonreverting fund to be known as the Special
215 Transportation Fund for Northern Virginia, hereafter referred to as "the Fund." The Fund shall be
216 established on the books of the Comptroller. All revenues dedicated for the Fund pursuant to subsection
217 C of § 58.1-802 and as may be appropriated by the General Assembly shall be paid into the state
218 treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and
219 be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each
220 fiscal year shall not revert to the general fund but shall remain in the Fund.

221 Moneys in the Fund shall be used by the Authority solely for the purposes stated in this chapter.
222 Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued
223 by the Comptroller upon written request signed by the chairman of the Authority or his designee.

224 § 15.2-4839. Authority to issue bonds.

225 The Authority may issue bonds and other evidences of debt as may be authorized by law. The
226 provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of this title shall apply, mutatis mutandis, to
227 the issuance of such bonds or other debt.

228 Notwithstanding any other provision of this chapter, the Authority shall not use any of the revenues
229 dedicated to the Special Transportation Fund for Northern Virginia established under § 15.2-4838.2
230 directly or indirectly to pay debt service on any bond or other evidence of debt which would establish a
231 tax-supported debt of the Commonwealth. Further, the Authority shall not enter into any lease
232 agreement, obligation, or contractual arrangement that creates a direct or contingent financial
233 obligation of the Commonwealth unless such proposed agreement, obligation, or contractual
234 arrangement has first been submitted to the State Treasurer sufficiently prior to the execution of such
235 proposed agreement, obligation, or contractual arrangement to allow the State Treasurer to undertake a
236 review for the purposes of determining (i) whether the proposed agreement, obligation, or contractual
237 arrangement may constitute tax-supported debt of the Commonwealth and (ii) the potential impact of the
238 proposed agreement, obligation, or contractual arrangement on the debt capacity and credit ratings of
239 the Commonwealth. If after such review the State Treasurer determines that the proposed agreement,
240 obligation, or contractual arrangement may constitute tax-supported debt of the Commonwealth or may
241 have an adverse impact on the debt capacity or the credit ratings of the Commonwealth, the Authority
242 shall be prohibited from entering into such lease agreement, obligation, or contractual arrangement. The
243 Authority may only use revenue generated pursuant to subsection C of § 58.1-802 for costs incurred by
244 the Authority that are not related to bonds or other evidence of debt.

§ 33.1-12. General powers and duties of Board, etc.; definitions.

The Commonwealth Transportation Board shall be vested with the following powers and shall have the following duties:

(1) Location of routes. To locate and establish the routes to be followed by the roads comprising systems of state highways between the points designated in the establishment of such systems.

(2) Construction and maintenance contracts and activities related to passenger and freight rail and public transportation.

(a) To let all contracts to be administered by the Virginia Department of Transportation or the Department of Rail and Public Transportation for the construction, maintenance, and improvement of the roads comprising systems of state highways and for all activities related to passenger and freight rail and public transportation in excess of \$2 million. The Commonwealth Transportation Commissioner shall have authority to let all Virginia Department of Transportation-administered contracts for highway construction, maintenance, and improvements up to \$2 million in value. The Director of the Department of Rail and Public Transportation shall have the authority to let contracts for passenger and freight rail and public transportation improvements up to \$2 million in value. The Commonwealth Transportation Commissioner is authorized to enter into agreements with localities, authorities, and transportation districts to administer projects and to allow those localities, authorities, and transportation districts to let contracts for highway construction, maintenance, and improvements within their jurisdictions. The Director of the Department of Rail and Public Transportation is authorized to enter into agreements with localities, authorities, and transportation districts to administer projects and to allow those localities, authorities, and transportation districts to let contracts for passenger and freight rail and public transportation activities within their jurisdictions. The Commonwealth Transportation Commissioner and the Director of the Department of Rail and Public Transportation shall report on their respective transportation contracting activities at least quarterly to the Board.

(b) The Commonwealth Transportation Board may award contracts for the construction of transportation projects on a design-build basis. These contracts may be awarded after a written determination is made by the Commonwealth Transportation Commissioner or the Director of the Department of Rail and Public Transportation, pursuant to objective criteria previously adopted by the Board regarding the use of design-build, that delivery of the projects must be expedited and that it is not in the public interest to comply with the design and construction contracting procedures normally followed. Such objective criteria will include requirements for prequalification of contractors and competitive bidding processes. These contracts shall be of such size and scope to encourage maximum competition and participation by agency prequalified and otherwise qualified contractors. Such determination shall be retained for public inspection in the official records of the Department of Transportation or the Department of Rail and Public Transportation, as the case may be, and shall include a description of the nature and scope of the project and the reasons for the Commissioner's or Director's determination that awarding a design-build contract will best serve the public interest. The provisions of this section shall supersede contrary provisions of subsection D of § 2.2-4303 and § 2.2-4306.

(c) For transportation construction projects valued in excess of \$100 million, the Commonwealth Transportation Board shall require that a financial plan be prepared. This plan shall include, but not be limited to, the following: (i) a complete cost estimate for all major project elements; (ii) an implementation plan with the project schedule and cost-to-complete information presented for each year; (iii) identified revenues by funding source available each year to meet project costs; and (iv) a detailed cash-flow analysis for each year of the proposed project.

(3) Traffic regulations. To make rules and regulations, from time to time, not in conflict with the laws of the Commonwealth, for the protection of and covering traffic on and the use of systems of state highways and to add to, amend or repeal the same.

(4) Naming highways, bridges, and interchanges. To give suitable names to state highways, bridges, and interchanges and change the names of any highways, bridges, or interchanges forming a part of the systems of state highways, except such highways, bridges, or interchanges as have been or may hereafter be named by the General Assembly; provided that the name of living persons shall not be used for such purposes. The Department of Transportation shall place and maintain appropriate signs indicating the names of highways, bridges, and interchanges named by the Board or by the General Assembly. The costs of producing, placing, and maintaining these signs shall be paid by the counties, cities, and towns in which they are located. No name shall be given to any state highway, bridge or interchange by the Commonwealth Transportation Board unless and until the Commonwealth Transportation Board shall have received from the local governing body of the locality within which a portion of the facility to be named is located a resolution of that governing body requesting such naming.

(5) Compliance with federal acts. To comply fully with the provisions of the present or future federal aid acts. The Board may enter into all contracts or agreements with the United States government and

306 may do all other things necessary to carry out fully the cooperation contemplated and provided for by
307 present or future acts of Congress in the area of transportation.

308 (6) Information and statistics. To gather and tabulate information and statistics relating to
309 transportation and disseminate the same throughout the Commonwealth. In addition, the Commissioner
310 shall provide a report to the Governor, the General Assembly, the Commonwealth Transportation Board,
311 and the public concerning the current status of all highway construction projects in the Commonwealth.
312 This report shall be posted at least four times each fiscal year, but may be updated more often as
313 circumstances allow. The report shall contain, at a minimum, the following information for every project
314 in the Six-Year Improvement Program: (i) project description; (ii) total cost estimate; (iii) funds
315 expended to date; (iv) project timeline and completion date; (v) statement of whether project is ahead of,
316 on, or behind schedule; and (vi) the name of the prime contractor. Use of one or more Internet websites
317 may be used to satisfy this requirement. Project specific information posted on the Internet shall be
318 updated daily as information is available.

319 (7) Policies and operation of Departments. To review and approve policies and transportation
320 objectives of the Department of Transportation and the Department of Rail and Public Transportation, to
321 assist in establishing such policies and objectives, to oversee the execution thereof, and to report thereon
322 to the Commonwealth Transportation Commissioner and the Director of the Department of Rail and
323 Public Transportation, respectively.

324 (8) Cooperation with other agencies and local governments.

325 (a) To cooperate with the federal government, the American Association of State Highway and
326 Transportation Officials and any other organization in the numbering, signing and marking of highways,
327 in the taking of measures for the promotion of highway safety, in research activities, in the preparation
328 of standard specifications, in the testing of highway materials and otherwise with respect to
329 transportation projects.

330 (b) To offer technical assistance and coordinate state resources to work with local governments, upon
331 their request, in developing sound transportation components for their local comprehensive plans.

332 (9) Transportation.

333 (a) To monitor and, where necessary, approve actions taken by the Department of Rail and Public
334 Transportation pursuant to Chapter 10.1 (§ 33.1-391.1 et seq.) of this title in order to ensure the efficient
335 and economical development of public transportation, the enhancement of rail transportation, and the
336 coordination of such rail and public transportation plans with highway programs.

337 (b) To coordinate the planning for financing of transportation needs, including needs for highways,
338 railways, seaports, airports, and public transportation and to set aside funds as provided in
339 § 33.1-23.03:1. To allocate funds for these needs pursuant to §§ 33.1-23.03:8, 33.1-23.03:10, 33.1-23.1,
340 and 58.1-638, the Board shall adopt a Six-Year Improvement Program of anticipated projects and
341 programs by July 1 of each year. This program shall be based on the most recent official Transportation
342 Trust Fund revenue forecast and shall be consistent with a debt management policy adopted by the
343 Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury.

344 (c) To recommend to the General Assembly for their consideration at the next session of the General
345 Assembly, objective criteria to be used by the Board in selecting those transportation projects to be
346 advanced from the feasibility to the construction stage. If such criteria are enacted into law, such
347 objectives shall apply to the interstate, primary, and urban systems of highways.

348 (d) To enter into contracts with local districts, commissions, agencies, or other entities created for
349 transportation purposes.

350 (10) Contracts with other states. To enter into all contracts with other states necessary for the proper
351 coordination of the location, construction, maintenance, improvement, and operation of transportation
352 systems, including the systems of state highways with the highways of such other states and, where
353 necessary, to seek the approval of such contracts by the Congress of the United States.

354 (11) Use of funds. To administer, distribute, and allocate funds in the Transportation Trust Fund as
355 provided by law. The Commonwealth Transportation Board shall ensure that the total funds allocated to
356 any highway construction project are equal to total expenditures within 12 months following completion
357 of the project. However, this requirement shall not apply to debt service apportionments pursuant to
358 § 33.1-23.3 or 33.1-23.4.

359 (12) Financial and investment advisors. With the advice of the Secretary of Finance and the State
360 Treasurer, to engage a financial advisor and investment advisor who may be anyone within or without
361 the government of the Commonwealth, to assist in planning and making decisions concerning the
362 investment of funds and the use of bonds for transportation purposes. The work of these advisors shall
363 be coordinated with the Secretary of Finance and the State Treasurer.

364 (13) The powers of the Virginia Aviation Board set out in Chapter 1 (§ 5.1-1 et seq.) of Title 5.1
365 and the Virginia Port Authority set out in Chapter 10 (§ 62.1-128 et seq.) of Title 62.1 are in no way
366 diminished by the provisions of this title.

367 (14) To enter into payment agreements with the Treasury Board related to payments on bonds issued

by the Commonwealth Transportation Board.

(15) Outdoor theaters. By regulation:

(a) To prevent the erection of moving picture screens of outdoor theaters in such a manner as to be ordinarily visible from any highway;

(b) To require that a sufficient space is left between any highway and the entrance to any outdoor theater to prevent congestion on the highway; and

(c) To require that outdoor theater entrances and exits are adequately lighted and marked.

The term "public transportation" or "mass transit" as used in this title means passenger transportation by rubber-tired, rail, or other surface conveyance which provides shared ride services open to the general public on a regular and continuing basis. The term does not include school buses; charter or sight-seeing service; vehicular ferry service that serves as a link in the highway network; or human service agency or other client-restricted transportation.

(16) Establishment of highway user fees for the systems of state highways. When the traffic-carrying capacity of any system of state highways or a portion thereof is increased by construction or improvement, the Commonwealth Transportation Board may enter into agreements with localities, authorities, and transportation districts to establish highway user fees for such system of state highways or portion thereof that the localities, authorities, and transportation districts maintain.

§ 33.1-23.03:8. Priority Transportation Fund established.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Priority Transportation Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. All funds as may be designated in the appropriation act for deposit to the Fund shall be paid into the state treasury and credited to the Fund. Such funds shall include:

1. A portion of the moneys actually collected, including penalty and interest, attributable to any increase in revenues from the taxes imposed under Chapter 22 (§ 58.1-2200 et seq.) of Title 58.1, with such increase being calculated as the difference between such tax revenues collected in the manner prescribed under Chapter 22 less such tax revenues that would have been collected using the prescribed manner in effect *immediately* before the effective date of Chapter 22, *computed without regard to increases in the rates of taxes and the imposition of new taxes under Chapter 22 pursuant to enactments of the 2007 Session of the General Assembly*. The portion to be deposited to the Fund shall be the moneys actually collected from such increase in revenues and allocated for highway and mass transit improvement projects as set forth in § 33.1-23.03:2, but not including any amounts that are allocated to the Commonwealth Port Fund and the Commonwealth Airport Fund under such section. There shall also be deposited into the Fund all additional federal revenues attributable to Chapter 22 (§ 58.1-2200 et seq.) of Title 58.1; and

2. Beginning with the fiscal year ending June 30, 2000, and for fiscal years thereafter, all revenues that exceed the official forecast, pursuant to § 2.2-1503, for (i) the Highway Maintenance and Operating Fund and (ii) the allocation to highway and mass transit improvement projects as set forth in § 33.1-23.03:2, but not including any amounts that are allocated to the Commonwealth Port Fund and the Commonwealth Airport Fund under such section; ~~and~~

3. *All revenues deposited into the Fund pursuant to § 58.1-2531; and -*

34. Any other such funds as may be transferred, allocated, or appropriated.

The Fund shall be considered a part of the Transportation Trust Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes enumerated in subsection B of this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller.

B. *All moneys in the Fund shall first be used for debt service payments on bonds or obligations for which the Fund is explicitly required for making debt service payments, to the extent needed.* The Commonwealth Transportation Board shall use the Fund to facilitate the financing of priority transportation projects throughout the Commonwealth. The Board may use the Fund either (i) by expending amounts therein on such projects directly, (ii) by payment to any authority, locality, commission or other entity for the purpose of paying the costs thereof, or (iii) by using such amounts to support, secure, or leverage financing for such projects. No expenditures from or other use of amounts in the Fund shall be considered in allocating highway maintenance and construction funds under § 33.1-23.03:10 or 33.1-23.1 or apportioning Transportation Trust Fund funds under § 58.1-638, but shall be in addition thereto. The Board shall use the Fund to facilitate the financing of priority transportation projects as designated by the General Assembly; provided, however, that, at the discretion of the Commonwealth Transportation Board, funds allocated to projects within a transportation district may be allocated among projects within the same transportation district as needed to meet construction cash-flow needs.

429 *C. Notwithstanding any other provision of this section, beginning July 1, 2007, no bonds, obligations,*
430 *or other evidences of debt (the bonds) that explicitly require as a source for debt service payments or*
431 *for the repayment of such bonds the revenues of the Fund, shall be issued or entered into unless at the*
432 *time of the issuance or entering into the revenues then in the Fund or reasonably anticipated to be*
433 *deposited into the Fund pursuant to the law then in effect are by themselves sufficient to make 100% of*
434 *the contractually required debt service payments on all such bonds, including any interest related*
435 *thereto and the retirement of such bonds.*

436 *§ 33.1-23.03:10. Transportation Future Fund established.*

437 *A. There is hereby created in the state treasury a special nonreverting fund to be known as the*
438 *Transportation Future Fund (the Fund). The Fund shall be established on the books of the Comptroller.*
439 *All revenues deposited into the Fund pursuant to §§ 46.2-206.1, 46.2-702.1, 46.2-1135, and 58.1-2289,*
440 *and as may be appropriated by the General Assembly including amounts designated for the Fund*
441 *pursuant to § 2.2-1514, shall be paid into the state treasury and credited to the Fund. Interest earned*
442 *on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the*
443 *Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but*
444 *shall remain in the Fund. The Fund shall be administered by the Board. Expenditures and*
445 *disbursements from the Fund shall be made by the State Treasurer on warrants issued by the*
446 *Comptroller upon written request signed by the chairman of the Board or his designee.*

447 *B. Moneys in the Fund shall be used by the Board solely as provided in this section. Moneys*
448 *deposited into the Fund shall be paid as follows:*

449 *1. From the first \$50 million deposited into the Fund in each fiscal year, \$45 million shall be*
450 *deposited into the Rail Enhancement Fund established under § 33.1-221.1:1.1 and \$5 million shall be*
451 *deposited into the Shortline Railway Preservation and Development Fund established under*
452 *§ 33.1-221.1:1.2.*

453 *2. After the deposits in subdivision 1 have been made, all remaining moneys deposited into the Fund*
454 *in each fiscal year shall be paid as follows:*

455 *a. 85 percent shall be deposited into the Highway Maintenance and Operating Fund, and*

456 *b. 15 percent shall be deposited into the Commonwealth Mass Transit Fund and shall be allocated*
457 *for capital project purposes or operating costs in accordance with the provisions of subdivision A 4 of*
458 *§ 58.1-638.*

459 *§ 33.1-221.1:1.1. Rail Enhancement Fund.*

460 *A. The General Assembly declares it to be in the public interest that railway preservation and*
461 *development of railway transportation facilities are an important element of a balanced transportation*
462 *system of the Commonwealth for freight and passengers and further declares it to be in the public*
463 *interest that the retention, maintenance, improvement and development of the railways are essential to*
464 *the Commonwealth's continued economic growth, vitality, and competitiveness in national and world*
465 *markets, and there is hereby created in the state treasury a special nonreverting fund to be known as the*
466 *Rail Enhancement Fund which shall be considered a special fund within the Transportation Trust Fund,*
467 *hereafter referred to as "the Fund."*

468 *B. The Fund shall be established on the books of the Comptroller, and shall consist of dedications*
469 *pursuant to subdivision B 1 of § 33.1-23.03:10 and § 58.1-2425 and such funds from other sources as*
470 *may be set forth in the appropriation act and shall be paid into the state treasury and credited to the*
471 *Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any*
472 *moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert*
473 *to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as provided*
474 *in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on*
475 *warrants issued by the Comptroller upon written request signed by the Director of the Virginia*
476 *Department of Rail and Public Transportation or the Director's designee.*

477 *C. The Director of the Department of Rail and Public Transportation shall administer and expend or*
478 *commit, subject to the approval of the Commonwealth Transportation Board, the Fund for acquiring,*
479 *leasing, and/or improving railways or railroad equipment, rolling stock, rights-of-way or facilities, or*
480 *assisting other appropriate entities to acquire, lease, or improve railways or railroad equipment, rolling*
481 *stock, rights-of-way or facilities, for freight and/or passenger rail transportation purposes whenever the*
482 *Board shall have determined that such acquisition, lease, and/or improvement is for the common good of*
483 *a region of the Commonwealth or the Commonwealth as a whole. Prior to recommending an allocation*
484 *of the Fund to the Commonwealth Transportation Board, the Director of the Department of Rail and*
485 *Public Transportation shall consult with and obtain the advice and recommendations of the Rail*
486 *Advisory Board established pursuant to § 33.1-391.3:1.*

487 *D. Projects undertaken pursuant to this section shall be limited to those the Commonwealth*
488 *Transportation Board shall have determined will result in public benefits to the Commonwealth or to a*
489 *region of the Commonwealth that are equal to or greater than the investment of funds under this section.*
490 *Such projects shall include a minimum of 30 percent cash or in-kind matching contribution from a*

private source, which may include a railroad, a regional authority, or a local government source, or a combination of such sources.

§ 33.1-221.1:1.2. Shortline Railway Preservation and Development Fund.

A. The General Assembly declares it to be in the public interest that shortline railway preservation and development of railway transportation support facilities are important elements of a balanced transportation system of the Commonwealth for freight and passengers, and further declares it to be in the public interest that the retention, maintenance, and improvement of the shortline railway and development of railway transportation support facilities are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets, and there is hereby created in the state treasury a special nonreverting fund to be known as the Shortline Railway Preservation and Development Fund, hereinafter in this section referred to as "the Fund." A "shortline railway," for the purposes of this section, shall mean any Class II or Class III railroad as defined by the United States Surface Transportation Board. "Railway transportation support facilities," for the purposes of this section, shall mean facilities required for the loading, transfer, or additional track capacity to facilitate the shipment of goods by rail other than as provided for in § 33.1-221.1:1 or 33.1-221.1:1.1.

B. The Fund shall be established on the books of the Comptroller and shall consist of such moneys deposited into the Fund pursuant to subdivision B 1 of § 33.1-23.03:10 and such funds from such sources as shall be set forth in the general appropriation act and, which shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as provided in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Virginia Department of Rail and Public Transportation or the Director's designee.

C. To fulfill this purpose, there shall be funding set forth each year in the budget bill and appropriated by the General Assembly in the Rail Assistance Program of the Department of Rail and Public Transportation. These funds shall be used by the Department of Rail and Public Transportation to administer a Shortline Railway Preservation and Development Program for the purposes described in subsection A. Furthermore, the Commonwealth Transportation Board shall include an annual allocation for such purpose in its allocation of transportation revenues.

DC. The Director of the Department of Rail and Public Transportation shall administer and expend or commit, subject to the recommendations of the Rail Advisory Board established under § 33.1-391.3:1 and the approval of the Commonwealth Transportation Board, the Fund for acquiring, leasing, and/or improving shortline railways and the development of railway transportation support facilities or assisting other appropriate entities to acquire, lease, or improve shortline railways and the development of railway transportation purposes whenever the Board shall have determined that such acquisition, lease, and/or improvement is for the common good of a region of the Commonwealth or the Commonwealth as a whole. The Director of the Department of Rail and Public Transportation may consult with other agencies or their designated representatives concerning projects to be undertaken under this section.

ED. Tracks and facilities constructed, and property and equipment purchased, with funds under this section shall be the property of the Commonwealth for the useful life of the project, as determined by the Director of the Department of Rail and Public Transportation, and shall be made available for use by all common carriers using the railway system to which they connect under the trackage rights agreements between the parties. Projects undertaken pursuant to this section shall be limited to those of a region of the Commonwealth or the Commonwealth as a whole. Such projects shall include a minimum of 30% cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, private industry, or a local government source, or a combination of such sources. No single project shall be allocated more than 50% of total available funds.

§ 33.1-268. Definitions.

As used in this article, the following words and terms shall have the following meanings:

(1) The word "Board" means the Commonwealth Transportation Board, or if the Commonwealth Transportation Board is abolished, any board, commission or officer succeeding to the principal functions thereof or upon whom the powers given by this article to the Board shall be given by law.

(2) The word "project" or "projects" means any one or more of the following:

(a) York River Bridges, extending from a point within the Town of Yorktown in York County, or within York County across the York River to Gloucester Point or some point in Gloucester County.

(b) Rappahannock River Bridge, extending from Greys Point, or its vicinity, in Middlesex County, across the Rappahannock River to a point in the vicinity of White Stone, in Lancaster County, or at some other feasible point in the general vicinity of the two respective points.

(c), (d) [Reserved.]

(e) James River Bridge, from a point at or near Jamestown, in James City County, across the James

552 River to a point in Surry County.

553 (f), (g) [Reserved.]

554 (h) James River, Chuckatuck and Nansemond River Bridges, together with necessary connecting
555 roads, in the Cities of Newport News and Suffolk and the County of Isle of Wight.

556 (i) [Reserved.]

557 (j) Hampton Roads Bridge, Tunnel, or Bridge and Tunnel System, extending from a point or points
558 in the Cities of Newport News and Hampton on the northwest shore of Hampton Roads across Hampton
559 Roads to a point or points in the City of Norfolk or Suffolk on the southeast shore of Hampton Roads.

560 (k) The Norfolk-Virginia Beach Highway, extending from a point in the vicinity of the intersection
561 of Interstate Route 64 and Primary Route 58 at Norfolk to some feasible point between London Bridge
562 and Primary Route 60.

563 (l) The Henrico-James River Bridge, extending from a point on the eastern shore of the James River
564 in Henrico County to a point on the western shore, between Falling Creek and Bells Road interchanges
565 of the Richmond-Petersburg Turnpike; however, the project shall be deemed to include all property,
566 rights, easements and franchises relating to any of the foregoing projects and deemed necessary or
567 convenient for the operation thereof and to include approaches thereto.

568 (m) The limited access highway between the Patrick Henry Airport area and the Newport News
569 downtown area which generally runs parallel to tracks of the Chesapeake and Ohio Railroad.

570 (n) Transportation improvements in the Dulles Corridor, with an eastern terminus of the East Falls
571 Church Metrorail station at Interstate Route 66 and a western terminus of Virginia Route 772 in
572 Loudoun County, including without limitation the Dulles Toll Road, the Dulles Access Road, outer
573 roadways adjacent or parallel thereto, mass transit, including rail, bus rapid transit, and capacity
574 enhancing treatments such as High-Occupancy Vehicle lanes, High-Occupancy Toll (HOT) lanes,
575 interchange improvements, commuter parking lots, and other transportation management strategies.

576 (o), (p) [Repealed.]

577 (q) Subject to the limitations and approvals of § 33.1-279.1, any other highway for a primary
578 highway transportation improvement district or transportation service district which the Board has agreed
579 to finance under a contract with any such district or any other alternative mechanism for generation of
580 local revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board,
581 the financing for which is to be secured by Transportation Trust Fund revenues under any appropriation
582 made by the General Assembly for that purpose and payable first from revenues received under such
583 contract or other local funding source, second, to the extent required, from funds appropriated and
584 allocated, pursuant to the highway allocation formula as provided by law, to the highway construction
585 district in which the project is located or to the county or counties in which the project is located and
586 third, to the extent required from other legally available revenues of the Trust Fund and from any other
587 available source of funds.

588 (r) U.S. 58 Corridor Development Program projects as defined in §§ 33.1-221.1:2 and 58.1-815.

589 (s) The Northern Virginia Transportation District Program as defined in § 33.1-221.1:3.

590 (t) Any program for highways or mass transit or transportation facilities, endorsed by the local
591 jurisdiction or jurisdictions affected, which agree that certain distributions of state recordation taxes will
592 be dedicated and used for the payment of any bonds or other obligations, including interest thereon, the
593 proceeds of which were used to pay the cost of the program. Any such program shall be referred to as a
594 "Transportation Improvement Program."

595 (u) Any project designated from time to time by the General Assembly financed in whole or part
596 through the issuance of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.

597 (v) *Any project authorized by the General Assembly financed in whole or in part by funds from the*
598 *Priority Transportation Fund established pursuant to § 33.1-23.03:8 or from the proceeds of bonds*
599 *whose debt service is paid in whole or in part by funds from such Fund.*

600 (3) The word "undertaking" means all of the projects authorized to be acquired or constructed under
601 this article.

602 (4) The word "improvements" means such repairs, replacements, additions and betterments of and to
603 a project acquired by purchase or by condemnation as are deemed necessary to place it in a safe and
604 efficient condition for the use of the public, if such repairs, replacements, additions and betterments are
605 ordered prior to the sale of any bonds for the acquisition of such project.

606 (5) The term "cost of project" as applied to a project to be acquired by purchase or by
607 condemnation, includes the purchase price or the amount of the award, cost of improvements, financing
608 charges, interest during any period of disuse before completion of improvements, cost of traffic
609 estimates and of engineering and legal expenses, plans, specifications and surveys, estimates of cost and
610 of revenues, other expenses necessary or incident to determining the feasibility or practicability of the
611 enterprises, administrative expenses and such other expenses as may be necessary or incident to the
612 financing herein authorized and the acquisition of the project and the placing of the project in operation.

613 (6) The term "cost of project" as applied to a project to be constructed, embraces the cost of

construction, the cost of all lands, properties, rights, easements and franchises acquired which are deemed necessary for such construction, the cost of acquiring by purchase or condemnation any ferry which is deemed by the Board to be competitive with any bridge to be constructed, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of traffic estimates and of engineering data, engineering and legal expenses, cost of plans, specifications and surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized, the construction of the project, the placing of the project in operation and the condemnation of property necessary for such construction and operation.

(7) The word "owner" includes all individuals, incorporated companies, copartnerships, societies or associations having any title or interest in any property rights, easements or franchises authorized to be acquired by this article.

(8) [Repealed.]

(9) The words "revenue" and "revenues" include tolls and any other moneys received or pledged by the Board pursuant to this article, including, without limitation, legally available Transportation Trust Fund revenues and any federal highway reimbursements and any other federal highway assistance received from time to time by the Commonwealth.

(10) The terms "toll project" and "toll projects" mean projects financed in whole or in part through the issuance of revenue bonds which are secured by toll revenues generated by such project or projects.

§ 33.1-269. General powers of Board.

The Commonwealth Transportation Board may, subject to the provisions of this article:

1. Acquire by purchase or by condemnation, construct, improve, operate and maintain any one or more of the projects mentioned and included in the undertaking defined in this article;

2. Issue revenue bonds of the Commonwealth, to be known and designated as "Commonwealth of Virginia Toll Revenue Bonds," payable from earnings and from any other available sources of funds, to pay the cost of such projects;

3. Subject to the limitations and approvals of § 33.1-279.1, issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Contract Revenue Bonds," secured by Transportation Trust Fund revenues under a payment agreement between the Board and the Treasury Board, subject to their appropriation by the General Assembly and payable first from revenues received pursuant to contracts with a primary highway transportation improvement district or transportation service district or other local revenue sources for which specific funding of any such bonds may be authorized by law; second, to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the county or counties in which the project or projects to be financed are located; and third, to the extent required, from other legally available revenues of the Trust Fund and from any other available source of funds;

4. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured (i) by revenues received from the U.S. Route 58 Corridor Development Fund, subject to their appropriation by the General Assembly, (ii) to the extent required, from revenues legally available from the Transportation Trust Fund and (iii) to the extent required, from any other legally available funds which have been appropriated by the General Assembly;

4a. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured, subject to their appropriation by the General Assembly, first from (i) revenues received from the Northern Virginia Transportation District Fund, (ii) to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located, (iii) to the extent required, legally available revenues of the Transportation Trust Fund, and (iv) such other funds which may be appropriated by the General Assembly;

4b. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General Assembly, first from (i) any revenues received from any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1, (ii) to the extent required, revenues received pursuant to any contract with a local jurisdiction or any alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board, (iii) to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located, (iv) to the extent required, legally available revenues of the Transportation Trust Fund, and (v) such other funds which may be

675 appropriated by the General Assembly. No bonds for any project or projects shall be issued under the
676 authority of this subsection unless such project or projects are specifically included in a bill or resolution
677 passed by the General Assembly;

678 4c. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
679 Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General
680 Assembly, first from (i) any revenues received from the Commonwealth Transit Capital Fund established
681 by the General Assembly pursuant to subdivision A 4 g of § 58.1-638, (ii) to the extent required, legally
682 available revenues of the Transportation Trust Fund, and (iii) such other funds which may be
683 appropriated by the General Assembly. No bonds for any project or projects shall be issued under the
684 authority of this subsection unless such project or projects are specifically included in a bill or resolution
685 passed by the General Assembly;

686 4d. Issue revenue bonds of the Commonwealth from time to time to be known and designated as
687 "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes" secured, subject to
688 their appropriation by the General Assembly, (i) first from any federal highway reimbursements and any
689 other federal highway assistance received from time to time by the Commonwealth, (ii) then, at the
690 discretion of the Board, to the extent required, from legally available revenues of the Transportation
691 Trust Fund, and (iii) then from such other funds, if any, which are designated by the General Assembly
692 for such purpose;

693 4e. Issue revenue bonds of the Commonwealth from time to time to be known and designated as
694 "Commonwealth of Virginia Credit Assistance Revenue Bonds," secured, subject to their appropriation
695 by the General Assembly, solely from revenues with respect to or generated by the project or projects
696 being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in
697 accordance with the applicable federal credit assistance authorized with respect to such project or
698 projects by the United States Department of Transportation;

699 4f. *Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of*
700 *Virginia Transportation Priority Projects Revenue Bonds," secured (i) from the revenues deposited into*
701 *the Priority Transportation Fund pursuant to § 33.1-23.03:8, (ii) to the extent required, from revenues*
702 *legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other*
703 *legally available funds;*

704 5. Fix and collect tolls and other charges for the use of such projects or to refinance the cost of such
705 projects;

706 6. Construct grade separations at intersections of any projects with public highways, streets or other
707 public ways or places and change and adjust the lines and grades thereof so as to accommodate the
708 same to the design of such grade separations, the cost of such grade separations and any damage
709 incurred in changing and adjusting the lines and grades of such highways, streets, ways and places to be
710 ascertained and paid by the Board as a part of the cost of the project;

711 7. Vacate or change the location of any portion of any public highway, street or other public way or
712 place and reconstruct the same at such new location as the Board deems most favorable for the project
713 and of substantially the same type and in as good condition as the original highway, streets, way or
714 place, the cost of such reconstruction and any damage incurred in vacating or changing the location
715 thereof to be ascertained and paid by the Board as a part of the cost of the project. Any public highway,
716 street or other public way or place vacated or relocated by the Board shall be vacated or relocated in the
717 manner provided by law for the vacation or relocation of public roads and any damages awarded on
718 account thereof may be paid by the Board as a part of the cost of the project;

719 8. Make reasonable regulations for the installation, construction, maintenance, repair, renewal and
720 relocation of pipes, mains, sewers, conduits, cables, wires, towers, poles and other equipment and
721 appliances herein called "public utility facilities," of the Commonwealth and of any municipality, county,
722 or other political subdivision, public utility or public service corporation owning or operating the same
723 in, on, along, over or under the project. Whenever the Board determines that it is necessary that any
724 such public utility facilities should be relocated or removed, the Commonwealth or such municipality,
725 county, political subdivision, public utility or public service corporation shall relocate or remove the
726 same in accordance with the order of the Board. The cost and expense of such relocation or removal,
727 including the cost of installing such public utility facilities in a new location or locations, and the cost
728 of any lands or any rights or interests in lands, and any other rights acquired to accomplish such
729 relocation or removal shall be ascertained by the Board.

730 On any toll project, the Board shall pay the cost and expense of relocation or removal as a part of
731 the cost of the project for those public utility facilities owned or operated by the Commonwealth or such
732 municipality, county, political subdivision, public utility or public service corporation. On all other
733 projects, under this article, the Board shall pay the cost and expense of relocation or removal as a part
734 of the cost of the project for those public utility facilities owned or operated by the Commonwealth or
735 such municipality, county, or political subdivision. The Commonwealth or such municipality, county,
736 political subdivision, public utility or public service corporation may maintain and operate such public

utility facilities with the necessary appurtenances, in the new location or locations, for as long a period and upon the same terms and conditions as it had the right to maintain and operate such public utility facilities in their former location or locations;

9. Acquire by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein, of any municipality, county or other political subdivision, deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration, replacement or relocation of public or private property damaged or destroyed.

The cost of such projects shall be paid solely from the proceeds of Commonwealth of Virginia Toll or Transportation Contract Revenue Bonds or a combination thereof or from such proceeds and from any grant or contribution which may be made thereto pursuant to the provisions of this article;

10. Notwithstanding any provision of this article to the contrary, the Board shall be authorized to exercise the powers conferred herein, in addition to its general powers to acquire rights-of-way and to construct, operate and maintain state highways, with respect to any project which the General Assembly has authorized or may hereafter authorize to be financed in whole or in part through the issuance of bonds of the Commonwealth pursuant to the provisions of Section 9 (c) of Article X of the Constitution of Virginia; and

11. Enter into any agreements or take such other actions as the Board shall determine in connection with applying for or obtaining any federal credit assistance, including without limitation loan guarantees and lines of credit, pursuant to authorization from the United States Department of Transportation with respect to any project included in the Commonwealth's long-range transportation plan and the approved State Transportation Improvement Program.

§ 33.1-277. Credit of Commonwealth not pledged.

A. Commonwealth of Virginia Toll Revenue Bonds issued under the provisions of this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor from tolls and revenues, from bond proceeds or earnings thereon and from any other available sources of funds. All such bonds shall state on their face that the Commonwealth of Virginia is not obligated to pay the same or the interest thereon except from the special fund provided therefor from tolls and revenues under this article, from bond proceeds or earnings thereon and from any other available sources of funds and that the faith and credit of the Commonwealth are not pledged to the payment of the principal or interest of such bonds. The issuance of such revenue bonds under the provisions of this article shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, other than appropriate available funds derived as revenues from tolls and charges under this article or derived from bond proceeds or earnings thereon and from any other available sources of funds.

B. Commonwealth of Virginia Transportation Contract Revenue Bonds issued under the provisions of this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor (i) from revenues received pursuant to contracts with a primary highway transportation district or transportation service district or any other alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board, (ii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the county or counties in which such project or projects are located, (iii) from bond proceeds or earnings thereon, (iv) to the extent required, from other legally available revenues of the Trust Fund, and (v) from any other available source of funds. All such bonds shall state on their face that the Commonwealth of Virginia is not obligated to pay the same or the interest thereon except from revenues in clauses (i) and (iii) hereof and that the faith and credit of the Commonwealth are not pledged to the payment of the principal and interest of such bonds. The issuance of such revenue bonds under the provisions of this article shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever or to make any appropriation for their payment, other than to appropriate available funds derived as revenues under this article from the sources set forth in clauses (i) and (iii) hereof. Nothing in this article shall be construed to obligate the General Assembly to make any appropriation of the funds set forth in clause (ii) or (iv) hereof for payment of such bonds.

C. Commonwealth of Virginia Transportation Revenue Bonds issued under the provisions of this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor (i) from revenues received from the U.S. Route 58 Corridor Development Fund,

subject to their appropriation by the General Assembly, (ii) to the extent required, from revenues legally available from the Transportation Trust Fund and (iii) to the extent required, from any other legally available funds which shall have been appropriated by the General Assembly.

D. Commonwealth of Virginia Transportation Revenue Bonds issued under this article for Category 1 projects as provided in subdivision (2) (s) of § 33.1-268 shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the faith and credit of the Commonwealth. Such bonds shall be payable solely, subject to their appropriation by the General Assembly, first from (i) revenues received from the Northern Virginia Transportation District Fund, (ii) to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located, (iii) to the extent required, legally available revenues of the Transportation Trust Fund, and (iv) such other funds which may be appropriated by the General Assembly.

E. Commonwealth of Virginia Transportation Program Revenue Bonds issued under this article for projects defined in subdivision (2) (t) of § 33.1-268 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth. Such bonds shall be payable solely, subject to their appropriation by the General Assembly, first from (i) any revenues received from any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1, (ii) to the extent required, revenues received pursuant to any contract with a local jurisdiction or any alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board, (iii) to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located, (iv) to the extent required, legally available revenues from the Transportation Trust Fund, and (v) such other funds which may be appropriated by the General Assembly.

F. Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes issued under this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other federal highway assistance received from time to time by the Commonwealth, (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund, and (iii) then, from such other funds, if any, which are designated by the General Assembly for such purpose.

G. Commonwealth of Virginia Transportation Credit Assistance Revenue Bonds issued under the provisions of this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, from revenues with respect to or generated by the project or projects being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in accordance with the applicable federal credit assistance authorized with respect to such project or projects by the United States Department of Transportation.

H. Commonwealth of Virginia Transportation Priority Projects Revenue Bonds issued under the provisions of this article for projects as provided in subdivision 2 v of § 33.1-268 shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor (i) from the revenues deposited into the Priority Transportation Fund pursuant to § 33.1-23.03:8; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds.

§ 33.1-391.3:1. Rail Advisory Board.

There is hereby established the Rail Advisory Board to consist of nine members appointed by the Governor for terms of four years. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. One of such appointees shall be an at-large member of the Commonwealth Transportation Board. The members of the Board shall elect a Chairman. The Board may, by majority vote, choose one of its members to serve as vice-chairman. The Board shall, in consultation with the Director, develop recommendations to be presented to the Commonwealth Transportation Board regarding allocations of funds from the Rail Enhancement Fund. The Board shall also advise the Director and the Department on other matters at the request of the Director or the Department. The Board shall meet at the call of the Chairman. A majority of the members shall constitute a quorum for the conduct of all Board business. The provisions of § 2.2-3112 shall not apply to members of the Rail Advisory Board.

The Board shall have the following responsibilities:

1. In consultation with, and with the assistance of the Director, the Board shall develop

recommendations to be presented to the Commonwealth Transportation Board regarding all proposed allocations of funds from the Rail Enhancement Fund established under § 33.1-221.1:1.1 and the Shortline Railway Preservation and Development Fund established under § 33.1-221.1:1.2.

2. The Board shall work cooperatively with the Director of the Department of Rail and Public Transportation and with any affected railroad in identifying, developing, and advocating projects and policies to enhance the quality and utility to the public of rail transportation in the Commonwealth.

3. At the request of the Director, the Board shall consider and advise the Director and the Department on any other matter or matters pertaining to transportation in the Commonwealth.

Members of the Board shall receive no compensation, but shall be reimbursed their actual and necessary expenses incurred in connection with their official duties. Staff support for the Board shall be provided by the Department of Rail and Public Transportation.

CHAPTER 10.2.

HAMPTON ROADS TRANSPORTATION AUTHORITY.

§ 33.1-391.6. Short Title.

This chapter shall be known and may be cited as the Hampton Roads Transportation Authority Act.

§ 33.1-391.7. Authority created.

The Hampton Roads Transportation Authority, hereinafter in this chapter known as "the Authority" is hereby created as a body politic and as a political subdivision of the Commonwealth.

§ 33.1-391.8. Powers of the Authority.

Notwithstanding any contrary provision of this title and in accordance with all applicable federal statutes and requirements, the Authority shall control and operate and may impose and collect tolls in amounts established by the Authority for the use of any new or improved highway, bridge, tunnel, or transportation facility (including new construction relating to, or improvements to, the bridges, tunnels, roadways, and related facilities known collectively as the Chesapeake Bay Bridge-Tunnel as described in § 33.1-391.12, pursuant to the conditions set forth in such section) constructed by the Authority or with funds provided in whole or in part by the Authority. The amount of any such toll may be varied from facility to facility, by lane, by congestion levels, by day of the week, time of day, type of vehicle, number of axles, or any similar combination thereof, and a reduced rate may be established for commuters as defined by the Authority.

§ 33.1-391.9. Composition of Authority; chairman and vice-chairman; quorum.

The Authority shall consist of the following members: (i) one member of the local governing body of each of the following localities, provided that the locality imposes all of the local transportation fees and taxes authorized by §§ 58.1-605.2, 58.1-606.2, 58.1-802.1, and 58.1-2402.2: the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; (ii) a member of the Commonwealth Transportation Board who resides in a county or city embraced by the Authority appointed by the Governor who shall serve ex officio without a vote; (iii) the Director of the Virginia Department of Rail and Public Transportation, or his designee, who shall serve ex officio without a vote; (iv) the Commonwealth Transportation Commissioner, or his designee, who shall serve ex officio without a vote; (v) three members of the Virginia House of Delegates who reside in a city or county that is imposing all of the local transportation fees and taxes authorized by §§ 58.1-605.2, 58.1-606.2, 58.1-802.1, and 58.1-2402.2, no two of whom shall reside in the same city or county, appointed by the Speaker of the House of Delegates; and (vi) two members of the Senate of Virginia who reside in a city or county that is imposing all of the local transportation fees and taxes authorized by §§ 58.1-605.2, 58.1-606.2, 58.1-802.1, and 58.1-2402.2, neither of whom shall reside in the same city or county, appointed by the Senate Committee on Rules. Each representative of a local governing body shall be appointed by a majority vote of the respective local governing body and shall be a member of the local governing body by which he is appointed. In the event that a member of the Authority who is appointed by a local governing body ceases to be a member of that local governing body, he may no longer serve as a member of the Authority. Members of the Authority appointed by local governing bodies shall serve for terms of four years and may be reappointed for one additional term of four years. Any member of the Authority appointed by a local governing body who is initially appointed to serve a term of less than three years may thereafter be appointed for two successive four-year terms. For the purpose of initial appointments and in order to provide for staggered terms, those members appointed by the City Council of the City of Hampton, the City Council of the City of Newport News, and the Board of Supervisors of James City County shall be appointed for terms of two years; those members who are appointed by the City Council of the City of Norfolk, the City Council of the City of Chesapeake, and the City Council of the City of Portsmouth shall be appointed for terms of three years; and the remaining representatives of local governing bodies shall be appointed for terms of four years. Legislative members shall serve terms coincident with their terms of office. Vacancies shall be filled by appointment for the unexpired term by the same process as used to make the original appointment.

921 *The Authority shall annually elect a chairman and vice-chairman from among its membership, each*
922 *of whom shall continue to hold such office until their respective successors are elected.*

923 *A majority of the members of the Authority shall constitute a quorum for the transaction of business.*

924 *Members of the Authority shall be reimbursed for their actual and necessary expenses incurred in*
925 *the performance of their duties and, in addition, shall be paid a per diem equal to the amount paid*
926 *members of the Commonwealth Transportation Board for each day or portion thereof during which they*
927 *are engaged in the official business of the Authority.*

928 *The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the*
929 *financial accounts of the Authority, and the cost of such audit shall be borne by the Authority.*

930 *§ 33.1-391.10. Additional powers of the Authority.*

931 *The Authority shall have the following powers together with all powers incidental thereto or*
932 *necessary for the performance of those hereinafter stated:*

933 *1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having*
934 *jurisdiction of the subject matter and of the parties;*

935 *2. To adopt and use a corporate seal and to alter the same at its pleasure;*

936 *3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the*
937 *purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by*
938 *the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the*
939 *Authority or its officers, directors, employees, or agents are otherwise entitled;*

940 *4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this*
941 *chapter, deemed expedient for the management of the Authority's affairs;*

942 *5. To apply for and accept money, materials, contributions, grants, or other financial assistance from*
943 *the United States and agencies or instrumentalities thereof, the Commonwealth, and any political*
944 *subdivision, agency, or instrumentality of the Commonwealth, and from any legitimate private source;*

945 *6. To acquire real and personal property or any interest therein by purchase, lease, gift, or*
946 *otherwise (and to the extent not inconsistent with the provisions of § 33.1-422) for purposes consistent*
947 *with this chapter; and to hold, encumber, sell, or otherwise dispose of such land or interest for purposes*
948 *consistent with this chapter;*

949 *7. To acquire by purchase, lease, contract, or otherwise (and to the extent not inconsistent with the*
950 *provisions of § 33.1-422), highways, bridges, tunnels, railroads, rolling stock, and transit and rail*
951 *facilities and other transportation-related facilities; and to construct the same by purchase, lease,*
952 *contract, or otherwise in the manner and to the extent not inconsistent with the provisions of the first*
953 *paragraph of § 33.1-422;*

954 *8. In coordination with the Commonwealth Transportation Board and with each city or county in*
955 *which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct,*
956 *reconstruct, or renovate any or all of the transportation facilities referred to in § 33.1-391.8, and to*
957 *acquire any real or personal property needed for any such purpose;*

958 *9. To enter into agreements or leases with public or private entities for the operation and*
959 *maintenance of bridges, tunnels, transit and rail facilities, and highways;*

960 *10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and*
961 *agreements necessary or convenient for the performance of its duties and the exercise of its powers and*
962 *functions under this chapter;*

963 *11. To the extent funds are made or become available to the Authority to do so, to employ*
964 *employees, agents, advisors, and consultants, including without limitation, attorneys, financial advisers,*
965 *engineers, and other technical advisers and, the provisions of any other law to the contrary*
966 *notwithstanding, to determine their duties and compensation;*

967 *12. The authority shall comply with the provisions governing localities contained in § 15.2-2108.23;*
968 *and*

969 *13. To the extent not inconsistent with the other provisions of this chapter, and without limiting or*
970 *restricting the powers otherwise given the Authority, to exercise all of the powers given to*
971 *transportation district commissions by §§ 15.2-4518 and 15.2-4519. The Authority shall only undertake*
972 *those transportation projects that are located in, or which provide a benefit to, the counties and cities*
973 *that are members of the Authority. Such projects shall include those transportation projects included in*
974 *the federally mandated 2030 Regional Transportation Plan approved by the Metropolitan Planning*
975 *Organization, or any successive plan, in addition to the following projects:*

976 *Route 460 Upgrade;*

977 *I-64 Widening on the Peninsula;*

978 *I-64 Widening on the Southside;*

979 *Midtown Tunnel/MLK Extension;*

980 *Southeastern Parkway/Dominion Blvd;*

981 *I-664 Widening in Newport News;*

982 *I-664 Widening on the Southside;*

*I-664 Monitor Merrimac Memorial Bridge Tunnel Widening;
I-64 to the Intermodal Connector;*

*I-564 Connector to the Monitor Merrimac Memorial Bridge Tunnel; and
Craney Island Connector.*

*§ 33.1-391.11. Authority a responsible public entity under Public-Private Transportation Act of 1995.
The Authority is a responsible public entity as defined in the Public-Private Transportation Act of
1995 (§ 56-556 et seq.).*

*§ 33.1-391.12. Addition of the Chesapeake Bay Bridge-Tunnel to facilities controlled by Authority;
expansion of Authority membership; applicability of local transportation fees and taxes to Accomack and
Northampton Counties.*

*The bridges, tunnels, roadways, and related facilities known collectively as the Chesapeake Bay
Bridge-Tunnel, which provide a vehicular connection across the mouth of the Chesapeake Bay between
the City of Virginia Beach and Northampton County, shall become subject to the control of the
Authority subject to the provisions of § 33.1-391.8, at such time as all of the bonds and other evidences
of debt now or hereafter issued by or on behalf of the Chesapeake Bay Bridge and Tunnel Commission
shall have been satisfied or paid in full. Until such bonds and other evidences of debt have been
satisfied or paid in full, control of and responsibility for the operation and maintenance of the
Chesapeake Bay Bridge-Tunnel facilities shall remain with the Chesapeake Bay Bridge and Tunnel
Commission.*

*In discharging its responsibilities for the operation and maintenance of the Chesapeake Bay
Bridge-Tunnel facilities, the Authority shall have, in addition to the powers it is given by this chapter,
all of the powers and authority given to the Chesapeake Bay Bridge and Tunnel Commission by Chapter
693 of the Acts of Assembly of 1954 and by Chapter 714 of the Acts of the Assembly of 1956, as
amended and incorporated by reference as § 33.1-253.*

*At such time as the Chesapeake Bay Bridge-Tunnel facilities become subject to the control of the
Authority as contemplated by this section, the Authority shall be enlarged by two members, one of whom
shall be a member of the governing body of the County of Accomack, provided that the County imposes
all of the local transportation fees and taxes authorized by §§ 58.1-605.2, 58.1-606.2, 58.1-802.1, and
58.1-2402.2, and one of whom shall be a member of the governing body of the County of Northampton,
provided that the County imposes all of the local transportation fees and taxes authorized by
§§ 58.1-605.2, 58.1-606.2, 58.1-802.1, and 58.1-2402.2. The representative of the local governing body
of the County of Accomack and the County of Northampton shall be appointed by a majority vote of the
respective local governing body and shall be a member of the local governing body by which he is
appointed. In the event that a member of the Authority who is appointed by the governing body of the
County of Accomack or the County of Northampton ceases to be a member of that local governing body,
he may no longer serve as a member of the Authority. Members of the Authority appointed by the
County of Accomack or the County of Northampton shall serve for terms of four years and may be
appointed for one additional term of four years.*

§ 33.1-391.13. Issuance of bonds by the Chesapeake Bay Bridge and Tunnel Commission.

*On a prospective basis, prior to issuing any bond with a maturity date that extends beyond the
maturity date of any bond that it refinances, the Chesapeake Bay Bridge and Tunnel Commission shall
provide written notice of the contemplated issuance to the Chairmen of the Senate Committee on
Finance and the House Committee on Appropriations at such time as when the General Assembly is in
regular session. This provision shall not apply to any bond issued to provide for the payment of any
temporary or interim financing.*

*On a prospective basis, prior to issuing any bonds for the purposes of financing the construction of
new or additional tunnels, the Chesapeake Bay Bridge and Tunnel Commission shall provide written
notice of the contemplated issuance to the Chairmen of the Senate Committee on Finance and the House
Committee on Appropriations at such time as when the General Assembly is in regular session.*

*§ 33.1-391.14. Continuing responsibilities of the Commonwealth Transportation Board and the
Virginia Department of Transportation.*

*Except as otherwise explicitly provided in this chapter, until such time as the Authority and the
Virginia Department of Transportation, or the Authority and the Commonwealth Transportation Board,
agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the
Department of Transportation shall perform or cause to be performed all maintenance and operation of
the bridges, tunnels, and roadways referred to in § 33.1-391.8, and shall perform such other required
services and activities with respect to such bridges, tunnels, and roadways as were being performed on
January 1, 2007.*

*§ 33.1-391.15. Hampton Roads Planning District Commission to provide administrative services and
office facilities.*

The staff of the Hampton Roads Planning District Commission and the Virginia Department of

1044 *Transportation shall work cooperatively to assist the proper formation and effective organization of the*
1045 *Authority. Until such time as the Authority is fully established and functioning, the staff of the Hampton*
1046 *Roads Planning District Commission shall serve as its staff, and the Hampton Roads Planning District*
1047 *Commission shall provide the Authority with office space and administrative support. The Authority shall*
1048 *reimburse the Hampton Roads Planning District Commission for the cost of such staff, office space, and*
1049 *administrative support as appropriate.*

1050 *§ 33.1-391.16. Use of revenues by the Authority.*

1051 *Notwithstanding any other provision of this chapter, all moneys received by the Authority shall be*
1052 *used by the Authority solely for the benefit of those counties and cities imposing all of the local*
1053 *transportation fees and taxes authorized by §§ 58.1-605.2, 58.1-606.2, 58.1-802.1, and 58.1-2402.2, and*
1054 *such moneys shall be used by the Authority in a manner that is consistent with the purposes stated in*
1055 *this chapter.*

1056 *§ 33.1-391.17. Local transportation taxes and fees.*

1057 *A. In addition to any other taxes, fees, or other charges imposed under law, the governing body of*
1058 *each of the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton,*
1059 *Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg may by ordinance levy*
1060 *the local transportation fees and taxes authorized by §§ 58.1-605.2, 58.1-606.2, 58.1-802.1, and*
1061 *58.1-2402.2, provided that (i) the governing body of the county or city adopts and imposes all of the*
1062 *local transportation fees and taxes authorized by such sections, and (ii) the governing body of the*
1063 *county or city appropriates the revenues collected from the additional local transportation fees and*
1064 *taxes to the Hampton Roads Transportation Authority established under § 33.1-391.7.*

1065 *At such time as the Chesapeake Bay Bridge-Tunnel becomes subject to the control of the Hampton*
1066 *Roads Transportation Authority as provided in § 33.1-391.12, the governing body of each of the*
1067 *Counties of Accomack and Northampton may also by ordinance levy the local transportation fees and*
1068 *taxes authorized by §§ 58.1-605.2, 58.1-606.2, 58.1-802.1, and 58.1-2402.2, provided that (i) the*
1069 *governing body of the county or city adopts and imposes all of the local transportation fees and taxes*
1070 *authorized by such sections, and (ii) the governing body of the county or city appropriates the revenues*
1071 *collected from the additional local transportation fees and taxes to the Hampton Roads Transportation*
1072 *Authority established under § 33.1-391.7.*

1073 *The Authority shall use all funds collected hereunder solely for the purposes provided in*
1074 *§ 33.1-391.16.*

1075 *B. No locality imposing the local transportation fees and taxes authorized by §§ 58.1-605.2,*
1076 *58.1-606.2, 58.1-802.1, and 58.1-2402.2 shall cease to impose such fees and taxes so long as the*
1077 *Hampton Roads Transportation Authority (i) is currently engaged in a transportation project within the*
1078 *boundaries of the locality, or that benefits the locality, (ii) has entered into a binding commitment to*
1079 *begin a transportation project within the boundaries of the locality, or that benefits the locality, or (iii)*
1080 *has issued bonds or incurred other evidence of debt that has not been satisfied or paid in full and that*
1081 *relates to a transportation project undertaken by the Authority within the boundaries of the locality, or*
1082 *that benefits the locality.*

1083 *§ 46.2-206.1. Dangerous driving offenses; payments to the Commonwealth; disposition of revenue to*
1084 *Transportation Future Fund.*

1085 *A. Whenever a person is convicted by a court of competent jurisdiction of any of the dangerous*
1086 *driving offenses or traffic infractions enumerated in this section, the court shall, in addition to any fees,*
1087 *finer, or costs imposed, order the person to pay to the State Treasurer for deposit into the*
1088 *Transportation Future Fund established under § 33.1-23.03:10 an amount as follows:*

1089 *1. A \$100 payment for a violation of § 18.2-266.1, subsection B of § 46.2-341.24, attempting to elude*
1090 *a law-enforcement officer pursuant to subsection A of § 46.2-817, § 46.2-844, or driving 20 or more*
1091 *miles per hour over the allowed speed limit as set forth in Article 8 (§ 46.2-870 et seq.) of Chapter 8 of*
1092 *Title 46.2.*

1093 *2. A \$200 payment for a violation of § 18.2-266, 18.2-268.3, 18.2-272, or 18.2-36.1 or any other*
1094 *conviction of voluntary manslaughter or involuntary manslaughter involving the use of a vehicle,*
1095 *§ 18.2-51.4, subsection B of § 46.2-301, subsection E of § 46.2-301.1, §§ 46.2-302 and 46.2-341.21,*
1096 *subsection A of § 46.2-341.24, §§ 46.2-357 and 46.2-391, subsection B of § 46.2-817, § 46.2-818,*
1097 *overtaking or passing a moving emergency vehicle pursuant to § 46.2-829, 46.2-852, or 46.2-853 when*
1098 *violation of this section would be a felony, §§ 46.2-854 through 46.2-862, § 46.2-863 when violation of*
1099 *this section would be a felony pursuant to subsection B of § 46.2-868, §§ 46.2-864 through 46.2-866,*
1100 *and § 46.2-921.1 if the violation resulted in the death of another person.*

1101 *B. 1. Any person whose driver's record with the Department shows a balance of eight or more driver*
1102 *demerit points on November 15 shall be assessed a fee as set forth below. The Commissioner shall*
1103 *assess such fees annually, beginning on November 15, 2007. The Department shall notify each person*
1104 *assessed a fee under this subsection by mailing a notice thereof by first-class mail addressed to such*
1105 *person's most recent address as shown in the Department's records, and such mailing shall constitute*

notice to the person of the assessment of the fee. These fees shall be in addition to the court-ordered payments under subsection A:

a. For a person whose driver's record shows a balance of eight driver demerit points, a fee of \$400 shall be assessed.

b. For a person whose driver's record shows a balance of nine driver demerit points, a fee of \$475 shall be assessed.

c. For a person whose driver's record shows a balance of 10 driver demerit points, a fee of \$550 shall be assessed.

d. For a person whose driver's record shows a balance of 11 driver demerit points, a fee of \$625 shall be assessed.

e. For a person whose driver's record shows a balance of 12 or more driver demerit points, a fee of \$700 shall be assessed.

For purposes of this subsection, there shall be deemed a conviction in any case in which (i) a juvenile is adjudicated delinquent of any of the offenses set forth in subsection A, or (ii) there is a conviction under substantially similar laws (with regard to such offenses) of any other state or of the United States.

2. The Department may, by regulation, provide for payment options by which persons assessed fees under this subsection may pay such fees in installments. If any assessment made under this subsection remains unpaid 60 days following the date on which the notice of assessment was mailed and no arrangements have been made with the Department for payment of such assessment in an installment payment agreement under any regulation promulgated by the Department, the Department shall, pursuant to Article 1 (§ 46.2-300 et seq.) of Chapter 3, suspend the driver's license of the person against whom the assessment was imposed. No license shall be reissued until all fees imposed have been paid.

3. The Commissioner may institute civil proceedings in any court of competent jurisdiction to recover any such fees. Jurisdiction for assessments under this subsection shall be in the jurisdiction where the person resides as indicated in the records of the Department. The Commissioner shall be entitled to collect all costs of collection, including but not limited to attorney fees.

4. In the event that a person disputes a conviction on his driver record based upon identity, if the person presents the Department a certified copy of a petition to a court of competent jurisdiction seeking to vacate an order of such conviction, the Department shall suspend the imposition of the fee under this subsection. Such suspension shall be valid (i) for one year from the date of commencement of the petition, or (ii) until 30 days after an entry of a final order on such petition, whichever first occurs.

5. Funds collected through the imposition of the fees provided for in this subsection shall be used first to pay the Department's costs in imposing and collecting such fees, with such costs as provided in the general appropriation act. The Commissioner in remitting all moneys collected pursuant to this subsection shall identify all such moneys as fees collected pursuant to this subsection.

C. The Comptroller shall deposit the moneys from all court-ordered payments under subsection A and all fees imposed under subsection B to the Transportation Future Fund established under § 33.1-23.03:10.

§ 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~~Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 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.

2. ~~Twenty-eight~~Thirty-eight dollars for each passenger car or motor home which weighs more than 4,000 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 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~~ \$33 if the vehicle weighs 4,000 pounds or less or ~~\$28~~ \$38 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than ~~\$23~~ \$33 if the vehicle weighs 4,000 pounds or less or ~~\$28~~ \$38 if the vehicle weighs more than 4,000 pounds.

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

1167 for human beings.

1168 6. ~~Thirteen~~*Twenty-three* dollars plus \$ 0.30 per 100 pounds or major fraction thereof for each motor
1169 vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or
1170 interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees
1171 prescribed in subdivision 7 of this subsection on submission to the Commissioner of a declaration of
1172 operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle
1173 weighs more than 4,000 pounds.

1174 7. ~~Thirteen~~*Twenty-three* dollars plus \$ 0.70 per 100 pounds or major fraction thereof for each motor
1175 vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be
1176 licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than
1177 4,000 pounds. In lieu of the foregoing fee of \$ 0.70 per 100 pounds, a motor carrier of passengers,
1178 operating two or more vehicles both within and outside the Commonwealth and registered for insurance
1179 purposes with the Surface Transportation Board of the United States Department of Transportation,
1180 Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the
1181 filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall
1182 apportion the registration fees provided in this subsection so that the total registration fees to be paid for
1183 such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment,
1184 that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears
1185 to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total
1186 mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license
1187 year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by
1188 representatives of the Commissioner at the end of such license year, the expense of such audit to be
1189 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
1190 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less
1191 than ~~\$33~~ \$43. For the purpose of determining such apportioned registration fees, only those motor
1192 vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to
1193 inclusion in determining the apportionment provided for herein.

1194 8. ~~Thirteen~~*Twenty-three* dollars plus \$ 0.80 per 100 pounds or major fraction thereof for each motor
1195 vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a
1196 chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle
1197 weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

1198 9. ~~Twenty-three~~*Thirty-three* dollars for a taxicab or other vehicle which is kept for rent or hire
1199 operated with a chauffeur for the transportation of passengers, and which operates or should operate
1200 under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if
1201 the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common
1202 carriers.

1203 10. ~~Eighteen~~*Twenty-eight* dollars for a motorcycle, with or without a sidecar. To this fee shall be
1204 added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

1205 11. ~~Twenty-three~~*Thirty-three* dollars for a bus used exclusively for transportation to and from church
1206 school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the
1207 empty weight of the vehicle exceeds 4,000 pounds, the fee shall be ~~\$28~~ \$38.

1208 12. ~~Thirteen~~*Twenty-three* dollars plus \$ 0.70 per 100 pounds or major fraction thereof for other
1209 passenger-carrying vehicles.

1210 13. An additional fee of \$4 per year shall be charged and collected at the time of registration of each
1211 pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All
1212 funds collected pursuant to this subdivision shall be paid into the state treasury and shall be set aside as
1213 a special fund to be used only for emergency medical service purposes. The moneys in the special fund
1214 shall be distributed as follows:

1215 a. Two percent shall be distributed to the State Department of Health to provide funding to the
1216 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
1217 volunteer recruitment, retention and training activities;

1218 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
1219 medical services training programs (excluding advanced life support classes); (ii) advanced life support
1220 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
1221 retain volunteer emergency medical services personnel only, including public awareness campaigns,
1222 technical assistance programs, and similar activities); (iv) emergency medical services system
1223 development, initiatives, and priorities based on needs identified by the State Emergency Medical
1224 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical
1225 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication
1226 enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for
1227 distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to
1228 the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;
 d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

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

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

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 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.

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.

§ 46.2-694.1. Fees for trailers and semitrailers not designed and used for transportation of passengers. Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
0-1,500 lbs	\$8.00 \$18	\$16.00 \$26	\$50.00 \$60
1,501-4,000 lbs	\$18.50 \$28.50	\$37.00 \$47	\$50.00 \$60
4,001 lbs & above	\$23.50 \$33.50	\$47.00 \$57	\$50.00 \$60

From the foregoing registration fees, the following amounts, regardless of weight category, shall be paid by the Department into the state treasury and set aside for the payment of the administrative costs of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

§ 46.2-697. Fees for vehicles not designed or used for transportation of passengers.

A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not designed and used for the transportation of passengers shall be ~~thirteen dollars~~ \$23 plus an amount determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when loaded to the maximum capacity for which it is registered and licensed, according to the schedule of fees set forth in this section. For each 1,000 pounds of gross weight, or major fraction thereof, for which any such vehicle is registered, there shall be paid to the Commissioner the fee indicated in the following schedule immediately opposite the weight group and under the classification established by the provisions of subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed. The fee for a pickup or panel truck shall be ~~twenty-three~~ \$33 dollars if its gross weight is 4,000 pounds or less, and ~~twenty-eight~~ \$38 dollars if its gross weight is 4,001 pounds through 6,500 pounds. The fee shall be ~~twenty-nine~~ \$39 dollars for any motor vehicle with a gross weight of 6,501 pounds through 10,000 pounds.

Fee Per Thousand Pounds of Gross Weight		
Gross Weight	Private	For Rent or
Groups (pounds)	Carriers	For Hire Carriers
10,001 - 11,000	\$2.60 3.17	\$4.75 5.80
11,001 - 12,000	2.80 3.42	4.90 5.98
12,001 - 13,000	3.00 3.66	5.15 6.28

1289	13,001 - 14,000	3.203.90	5.406.59
1290	14,001 - 15,000	3.404.15	5.656.89
1291	15,001 - 16,000	3.604.39	5.907.20
1292	16,001 - 17,000	4.004.88	6.157.50
1293	17,001 - 18,000	4.405.37	6.407.81
1294	18,001 - 19,000	4.805.86	7.509.15
1295	19,001 - 20,000	5.206.34	7.709.39
1296	20,001 - 21,000	5.606.83	7.909.64
1297	21,001 - 22,000	6.007.32	8.109.88
1298	22,001 - 23,000	6.407.81	8.3010.13
1299	23,001 - 24,000	6.808.30	8.5010.37
1300	24,001 - 25,000	6.908.42	8.7010.61
1301	25,001 - 26,000	6.958.48	8.9010.86
1302	26,001 - 27,000	8.2510.07	10.3512.63
1303	27,001 - 28,000	8.3010.13	10.5512.87
1304	28,001 - 29,000	8.3510.18	10.7513.12
1305	29,001 - 40,000	8.4510.31	10.9513.36
1306	40,001 - 45,000	8.5510.43	11.1513.60
1307	45,001 - 50,000	8.7510.68	11.2513.73
1308	50,001 - 55,000	9.2511.29	13.2516.17
1309	55,001 - 76,000	11.2513.73	15.2518.61
1310	76,001 - 80,000	13.2516.17	16.2519.83

1311 For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of five
 1312 dollars shall be imposed.

1313 B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the
 1314 owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such
 1315 case, the fee shall be twenty-five percent of the annual fee plus five dollars for each quarter that the
 1316 vehicle is registered.

1317 C. When an owner elects to register and license a motor vehicle under subsection B of this section,
 1318 the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

1319 D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow
 1320 disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight
 1321 other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

1322 E. All registrations and licenses issued for less than a full year shall expire on the date shown on the
 1323 license and registration.

1324 § 46.2-698. Fees for farm vehicles.

1325 A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more,
 1326 when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the
 1327 fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of
 1328 § 46.2-697 and one-half of the fee for overload permits under § 46.2-1128, but the annual registration
 1329 fee to be paid for each farm vehicle shall not be less than \$15 \$25.

1330 B. A farm motor vehicle is used exclusively for farm use:

1331 1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a
 1332 size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

1333 a. Used in the transportation of agricultural products of the farm he is working to market, or to other
 1334 points for sale or processing, or when used to transport materials, tools, equipment, or supplies which
 1335 are to be used or consumed on the farm he is working, or when used for any other transportation
 1336 incidental to the regular operation of such farm;

1337 b. Used in transporting forest products, including forest materials originating on a farm or incident to
 1338 the regular operation of a farm, to the farm he is working or transporting for any purpose forest
 1339 products which originate on the farm he is working; or

1340 c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked
 1341 by him, pursuant to a mutual cooperative agreement.

1342 2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his
 1343 immediate family in attending church or school, securing medical treatment or supplies, or securing
 1344 other household or family necessities.

1345 C. As used in this section, the term "farm" means one or more areas of land used for the production,
 1346 cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not
 1347 also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this
 1348 section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural,

1349 viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other
1350 farm products.

1351 D. The first application for registration of a vehicle under this section shall be made on forms
1352 provided by the Department and shall include:

1353 1. The location and acreage of each farm on which the vehicle to be registered is to be used;

1354 2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms
1355 and the approximate amounts produced annually;

1356 3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for
1357 one or more of the purposes specified in subsection B of this section; and

1358 4. Other information required by the Department.

1359 The above information is not required for the renewal of a vehicle's registration under this section.

1360 E. The Department shall issue appropriately designated license plates for those motor vehicles
1361 registered under this section. The manner in which such license plates are designated shall be at the
1362 discretion of the Commissioner.

1363 F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his
1364 next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for
1365 farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based
1366 on its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the
1367 operation of any farm motor vehicle for which the fee for registration and license plates is herein
1368 prescribed on any highway in the Commonwealth without first having paid the prescribed registration
1369 fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for
1370 purposes other than as provided under subsection B of this section; or (iii) operate as a for-hire vehicle.

1371 G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under
1372 §§ 46.2-664 through 46.2-670.

1373 H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used
1374 by volunteer rescue squad members and volunteer firefighters in responding to emergency calls, in
1375 reporting for regular duty, and in attending squad meetings and drills.

1376 § 46.2-700. Fees for vehicles for transporting well-drilling machinery and specialized mobile
1377 equipment.

1378 A. The fee for registration of any motor vehicle, trailer, or semitrailer on which well-drilling
1379 machinery is attached and which is permanently used solely for transporting the machinery shall be
1380 \$15.25.

1381 B. The fee for the registration of specialized mobile equipment shall be \$15.25. "Specialized mobile
1382 equipment" shall mean any self-propelled motor vehicle manufactured for a specific purpose, other than
1383 for the transportation of passengers or property, which is used on a job site and whose movement on
1384 any highway is incidental to the purpose for which it was designed and manufactured. The vehicle must
1385 be constructed to fall within all size and weight requirements as contained in §§ 46.2-1105, 46.2-1110,
1386 46.2-1113 and Article 17 (§ 46.2-1122 et seq.) of Chapter 10 of this title and must be capable of
1387 maintaining sustained highway speeds of 40 miles per hour or more. Vehicles registered under this
1388 section shall be exempt from the requirements of § 46.2-1157. Nothing in this subsection shall be
1389 construed as prohibiting the transportation on specialized mobile equipment of safety equipment,
1390 including but not limited to highway traffic safety cones, to be used on a job site.

1391 C. Specialized mobile equipment which cannot maintain a sustained highway speed in excess of 40
1392 miles per hour, and trailers or semitrailers which are designed and manufactured for a specific purpose
1393 and whose movement on the highway is incidental to the purpose for which it was manufactured and
1394 which are not designed or used to transport persons or property, shall not be required to be registered
1395 under this chapter.

1396 § 46.2-702.1. *Distribution of certain revenue.*

1397 A. *Except as provided in subsection B, the net additional revenues generated by increases in the*
1398 *registration fees under §§ 46.2-694, 46.2-694.1, 46.2-697, 46.2-698, 46.2-700, and 46.2-730 pursuant to*
1399 *enactments of the 2007 Session of the General Assembly shall be deposited by the Comptroller into the*
1400 *Transportation Future Fund established under § 33.1-23.03:10.*

1401 B. *In the case of vehicles registered under the International Registration Plan, an amount that is*
1402 *approximately equal to the net additional revenues generated by increases in the registration fees under*
1403 *§§ 46.2-694, 46.2-694.1, 46.2-697, 46.2-698, 46.2-700, and 46.2-730 that are in regard to such vehicles*
1404 *pursuant to enactments of the 2007 Session of the General Assembly shall be deposited by the*
1405 *Comptroller into the Transportation Future Fund established under § 33.1-23.03:10.*

1406 § 46.2-730. License plates for antique motor vehicles and antique trailers; fee.

1407 A. On receipt of an application, the Commissioner shall issue appropriately designed license plates to
1408 owners of antique motor vehicles and antique trailers. These license plates shall be valid so long as title
1409 to the vehicle is vested in the applicant. The fee for the registration card and license plates of any of

1410 these vehicles shall be \$10 \$20.

1411 B. On receipt of an application, the Commissioner may authorize for use on antique motor vehicles
1412 and antique trailers Virginia license plates manufactured prior to 1976 and designed for use without
1413 decals, if such license plates are embossed with or are of the same year of issue as the model year of
1414 the antique motor vehicle or antique trailer on which they are to be displayed. Original metal year tabs
1415 issued in place of license plates for years 1943 and 1953 and used with license plates issued in 1942
1416 and 1952, respectively, also may be authorized by the Commissioner for use on antique motor vehicles
1417 and antique trailers that are of the same model year as the year the metal tab was originally issued.
1418 These license plates and metal tabs shall remain valid so long as title to the vehicle is vested in the
1419 applicant. The fee for the registration card and permission to use the license plates and metal tabs on
1420 any of these vehicles shall be \$10 \$20.

1421 C. Notwithstanding the provisions of §§ 46.2-711 and 46.2-715, antique motor vehicles may display
1422 single license plates if the original manufacturer's design of the antique motor vehicles allows for the
1423 use of only single license plates or if the license plate was originally issued in one of the following
1424 years and is displayed in accordance with the provisions of subsection B of this section: 1906, 1907,
1425 1908, 1909, 1945, or 1946.

1426 D. Except as provided in subsection E of this section, motor vehicles and trailers registered with
1427 license plates issued under this section shall not be used for general transportation purposes, including,
1428 but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

- 1429 1. For participation in club activities, exhibits, tours, parades, and similar events; and
1430 2. On the highways of the Commonwealth for the purpose of testing their operation, obtaining repairs
1431 or maintenance, transportation to and from events as described in subdivision 1 of this subsection, and
1432 for occasional pleasure driving not exceeding 250 miles from the residence of the owner.

1433 E. Notwithstanding the foregoing provision of this section, antique motor vehicles and antique trailers
1434 displaying license plates issued pursuant to subsections B and C of this section may be used for general
1435 transportation purposes if the following conditions are met:

- 1436 1. The physical condition of the vehicle's license plate or plates has been inspected and approved by
1437 the Department;
1438 2. The license plate or plates are registered to the specific vehicle by the Department;
1439 3. The owner of the vehicle periodically registers the vehicle with the Department and pays a
1440 registration fee for the vehicle equal to that which would be charged to obtain regular state license
1441 plates for that vehicle;
1442 4. The vehicle passes a periodic safety inspection as provided in Article 21 (§ 46.2-1157 et seq.) of
1443 Chapter 10 of this title;
1444 5. The vehicle displays current decals attached to the license plate, issued by the Department,
1445 indicating the valid registration period for the vehicle; and
1446 6. When applicable, the vehicle meets the requirement of Article 22 (§ 46.2-1176 et seq.) of Chapter
1447 10 of this title.

1448 If more than one request is made for use, as provided in this subsection, of license plates having the
1449 same number, the Department shall accept only the first such application. Only vehicles titled to the
1450 person seeking to use license plates as provided in this subsection shall be eligible to use license plates
1451 as provided in this subsection.

1452 F. Nothing in this section shall be construed as prohibiting the use of an antique motor vehicle to
1453 tow a trailer or semitrailer.

1454 § 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts;
1455 disposition of revenues; requiring evidence of payment of personal property taxes and certain fines;
1456 prohibiting display of licenses after expiration; failure to display valid local license required by other
1457 localities; penalty.

1458 A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and
1459 charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and
1460 license fees shall be assessed or charged by any county on vehicles owned by residents of any town
1461 located in the county when such town constitutes a separate school district if the vehicles are already
1462 subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the
1463 town, previously a resident of a county within which all or part of the town is situated, who has
1464 previously paid a license fee for the same tax year to such county. The amount of the license fee or tax
1465 imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater
1466 than the amount of the license tax imposed by the Commonwealth on the motor vehicle, trailer, or
1467 semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods,
1468 and subject to proration for fractional periods of years, as the proper local authorities may determine.
1469 Local licenses may be issued free of charge for any or all of the following:

- 1470 1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel
1471 vehicles,

2. Vehicles owned by volunteer rescue squads,
 3. Vehicles owned by volunteer fire departments,
 4. Vehicles owned or leased by active members or active auxiliary members of volunteer rescue squads,
 5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments,
 6. Vehicles owned or leased by auxiliary police officers,
 7. Vehicles owned or leased by volunteer police chaplains,
 8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739,
 9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,
 10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,
 11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer rescue squads, former members of volunteer fire departments, former auxiliary police officers, former volunteer police chaplains, and former volunteer special police officers appointed under § 15.2-1737. In the case of active members of volunteer rescue squads and volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active membership, and no member shall be issued more than one such license free of charge, or
 12. All vehicles having a situs for the imposition of licensing fees under this section in the locality.
- The governing body of any county, city, or town issuing licenses under this section may by ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount, however, shall be available for more than one vehicle owned or leased by the same person.
- The governing body of any county, city, or town issuing licenses free of charge under this subsection may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for such limitation, restriction, or denial.
- The situs for the imposition of licensing fees under this section shall in all cases, except as hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.
- B. Except as provided in this subsection, subsection L, and § 46.2-753, all revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes. However, if a county, city, or town imposes a license fee or tax pursuant to this section in excess of the maximum amount authorized as of June 30, 2007, an amount approximately equal to one-half of the revenues collected by the county, city, or town that are attributable to the increase in such fee or tax above such maximum amount shall be used by the county, city, or town solely for local or regional projects directly relating to transportation. Such transportation projects may include debt service payments on obligations and other evidences of debt issued or entered into to finance or fund transportation projects, but only for such obligations or debt that has not been authorized and is not outstanding as of June 30, 2007.*
- C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any county and any town within any such county may by agreement require that all personal property taxes assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.
- C1. Any county having a population of at least 24,000, but no more than 24,600, or having a population of at least 39,550, but no more than 41,550, may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evidence that all fees, including

1533 delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste
1534 pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to
1535 § 15.2-2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees,
1536 payable to a county for waste disposal services described herein, shall be paid to the treasurer of such
1537 county; however, in any county with a population between 39,550 and 41,550, the fee shall be paid to
1538 the county or its agent.

1539 D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any
1540 city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless
1541 all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the
1542 jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection
1543 shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

1544 E. If in any county imposing license fees and taxes under this section, a town therein imposes like
1545 fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees
1546 or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to
1547 receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid
1548 to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from
1549 increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the
1550 limitations provided in subsection D of this section. The governing body of any county and the
1551 governing body of any town in that county wherein each imposes the license tax herein provided may
1552 provide mutual agreements so that not more than one license plate or decal in addition to the state plate
1553 shall be required.

1554 F. Notwithstanding the provisions of subsection E of this section, in a consolidated county wherein a
1555 tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of
1556 consolidation, impose license fees and taxes under this section in addition to those fees and taxes
1557 imposed by the county, provided that the combined county and tier-city rates do not exceed the
1558 maximum provided in subsection A of this section. No credit shall be allowed on the fees or taxes
1559 imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the
1560 consolidation agreement or plan. The governing body of any county and the governing body of any
1561 tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement
1562 that no more than one license plate or decal in addition to the state license plate shall be required.

1563 G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or
1564 operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such
1565 ordinance, to display the local license required by any ordinance of the county, city or town in which
1566 the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local
1567 license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that
1568 a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4
1569 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such
1570 vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses,
1571 parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that
1572 a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of
1573 a fine except upon presentation of satisfactory evidence that the required license has been obtained.
1574 Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other
1575 tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or
1576 town's ordinance does not require display of a decal or other evidence of payment.

1577 H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the
1578 provisions of this section in more than one jurisdiction.

1579 I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period,
1580 beginning with the date of purchase, during which to pay license fees charged by local governments
1581 under authority of this section.

1582 J. Beginning October 1, 1992, the treasurer or director of finance of any county, city, or town may
1583 enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew
1584 any vehicle registration of any applicant therefor who owes to such county, city or town any local
1585 vehicle license fees or delinquent tangible personal property tax or parking citations issued only to
1586 residents of such county, city, or town. Before being issued any vehicle registration or renewal of such
1587 license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license
1588 fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that
1589 all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. The
1590 Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the
1591 treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of
1592 the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect
1593 delinquent taxes or parking citations through the withholding of registration or renewal thereof by the
1594 Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided

for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or rescue squads within the jurisdiction of the particular county, city, or town.

§ 46.2-753. Additional license fees in certain localities.

Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those specified in § 46.2-752, on passenger cars not used for the transportation of passengers for compensation. The additional fee shall be no more than five dollars. The total local license fee shall be no more than ~~twenty-five dollars~~ \$35 on any vehicle and this license fee shall not be imposed on any motor vehicle exempted under § 46.2-739.

The governing bodies are also authorized to charge additional annual license fees on the motor vehicles, trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than five dollars for each such vehicle. This authorization shall not increase the maximum chargeable by more than five dollars or affect any existing exemption.

Any funds acquired in excess of those allowed by § 46.2-752, shall be allocated to the Northern Virginia Transportation Commission to be a credit to that jurisdiction making the payment for its share of any operating deficit assigned to it by the Washington Metropolitan Area Transit Authority. *However, if any of such counties or cities charge a license fee pursuant to this section in excess of the maximum amount authorized as of June 30, 2007, an amount approximately equal to one-half of the revenues collected by the county or city that are attributable to the increase in such license fee above such maximum amount shall be used by the county or city solely for local or regional projects directly relating to transportation. Such transportation projects may include debt service payments on obligations and other evidences of debt issued or entered into to finance or fund transportation projects, but only for such obligations or debt that has not been authorized and is not outstanding as of June 30, 2007.*

§ 46.2-755.1. Additional initial license fees in certain localities.

1656 In addition to taxes and license fees imposed pursuant to §§ 46.2-752 and 46.2-753 and to all other
 1657 fees permitted by law, the governing body of each of the Counties of Arlington, Fairfax, Loudoun, and
 1658 Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park is
 1659 authorized to charge an initial, one-time license fee on all vehicles for which the locality is authorized
 1660 under this chapter to collect a license fee, at the rate of 1% of the average retail value of the vehicle
 1661 according to the National Automobile Dealers Association, or successor thereto, at the time the vehicle
 1662 is first registered in the locality by the owner of the vehicle or in the name of the owner of the vehicle.
 1663 If the model or year of an individual vehicle is not listed by the National Automobile Dealers
 1664 Association, the individual vehicle may be valued on the basis of percentage or percentages of original
 1665 cost. License fees authorized by this section shall be imposed only once for each vehicle, so long as the
 1666 ownership of the vehicle upon which they are imposed remains unchanged, regardless of whether the fee
 1667 has been collected by another locality. In addition, no such license fee shall be imposed under this
 1668 section on any vehicle that was registered in another county or city of the Commonwealth immediately
 1669 prior to the registration of such vehicle in another county or city of the Commonwealth, so long as the
 1670 ownership of the vehicle remains unchanged. The locality shall appropriate the revenues collected from
 1671 such tax to the Northern Virginia Transportation Authority established under § 15.2-4830.

1672 The license fee shall not be imposed for any vehicle owned by a demolisher, rebuilder, salvage
 1673 dealer, salvage pool, scrap metal processor, or vehicle removal operator, as such terms are defined in
 1674 § 46.2-1600, provided that such vehicle is acquired by such person for (i) demolition or salvage; (ii)
 1675 repairing into a rebuilt or repaired vehicle as such terms are defined in § 46.2-1600; or (iii) resale to a
 1676 demolisher, scrap metal processor, or salvage dealer as such terms are defined in § 46.2-1600.

1677 All such additional license fees shall be paid to and collected by the Department of Motor Vehicles,
 1678 and shall not be collectable or collected by any licensed dealer at the time of the sale of any vehicle.

1679 Any and all fees collected by the Department of Motor Vehicles under this section shall be remitted
 1680 by the Comptroller on a monthly basis to the Northern Virginia Transportation Authority to be used for
 1681 the purposes set forth in § 15.2-4838.1. The Commissioner shall maintain records of the fee imposed
 1682 and collected and the locality and address where each vehicle is registered.

1683 No locality imposing the initial, one-time license fee pursuant to this section shall cease to impose
 1684 such fee so long as the Northern Virginia Transportation Authority (i) is currently engaged in a
 1685 transportation project within the boundaries of the locality, or that benefits the locality, (ii) has entered
 1686 into a binding commitment to begin a transportation project within the boundaries of the locality, or
 1687 that benefits the locality, or (iii) has issued bonds or incurred other evidence of debt that has not been
 1688 satisfied or paid in full and that relates to a transportation project undertaken by the Authority within
 1689 the boundaries of the locality, or that benefits the locality.

1690 § 46.2-1135. Liquidated damages for violation of weight limits.

1691 A. Any person violating any weight limit as provided in this chapter or in any permit issued pursuant
 1692 to Article 18 (§ 46.2-1139 et seq.) of this chapter by the Department or its designee or by local
 1693 authorities pursuant to this chapter shall be assessed liquidated damages. The amount of those damages
 1694 shall be:

1695	Excess weight over	
1696	the prescribed	
1697	or permitted	Assessed
1698	axle weight	amount per
1699	limits	pound
1700	4,000 pounds or less	1 cent per pound
1701	2,000 pounds or less	5 cents per pound
1702	2,001 to 4,000 pounds	10 cents per pound
1703	4,001 to 8,000 pounds	10 15 cents per pound
1704	8,001 to 12,000 pounds	20 25 cents per pound
1705	12,001 pounds or more	30 35 cents per pound

1706		
1707		
1708	Excess weight over	Assessed
1709	the prescribed	amount per
1710	gross weight limit	pound
1711	4,000 pounds or less	1 cent per pound
1712	4,001 to 8,000 pounds	5 cents per pound
1713	2,000 pounds or less	5 cents per pound
1714	2,001 to 8,000 pounds	10 cents per pound
1715	8,001 to 12,000 pounds	10 15 cents per pound

12,001 pounds or more

~~15~~20 cents per pound

All gross permit violations shall be assessed \$.20 per pound over the permitted weight limit.

In addition to all damages assessed herein, for every violation of any weight limit as provided in this chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter there shall be assessed additional liquidated damages of \$20.

If a person has no prior violations under the motor vehicle weight laws, and the excess weight does not exceed ~~2,500~~ 1,500 pounds, the general district court may waive the liquidated damages against such person. Except as provided by § 46.2-1138, such assessment shall be entered by the court or by the Department as a judgment for the Commonwealth, the entry of which shall constitute a lien upon the overweight vehicle. Except as provided by § 46.2-1138, such sums shall be paid to the Department or collected by the attorney for the Commonwealth and forwarded to the State Treasurer and allocated to the fund appropriated for the construction and maintenance of state highways.

B. If the gross weight of the vehicle exceeds lawful limits by at least 25 percent but no more than 50 percent, the amount of the liquidated damages shall be two times the amount provided for in the foregoing provisions of this section; if the gross weight of the vehicle exceeds lawful limits by more than 50 percent, the amount of the liquidated damages shall be three times the amount provided for in the foregoing provisions of this section. The provisions of this subsection shall not apply to pickup or panel trucks.

C. *The increases in the liquidated damages under subsection A pursuant to enactments of the 2007 Session of the General Assembly shall not be applicable to any motor vehicle hauling forest products from the place where such products are first produced, cut, harvested, or felled to the location where they are first processed. The amount of liquidated damages assessed against such motor vehicles shall be:*

Excess weight over
the prescribed
or permitted
axle weight
limits

Assessed
amount per
pound

4,000 pounds or less

1 cent per pound

4,001 to 8,000 pounds

10 cents per pound

8,001 to 12,000 pounds

20 cents per pound

12,001 pounds or more

30 cents per pound

Excess weight over
the prescribed
gross weight limit

Assessed
amount per
pound

4,000 pounds or less

1 cent per pound

4,001 to 8,000 pounds

5 cents per pound

8,001 to 12,000 pounds

10 cents per pound

12,001 pounds or more

15 cents per pound

D. *Notwithstanding any other provision in this section, except as provided by § 46.2-1138, one-third of the revenues generated by the liquidated damages assessed under this section paid to the Department, or collected by the attorney for the Commonwealth and forwarded to the State Treasurer, shall be deposited into the Transportation Future Fund established under § 33.1-23.03:10. For the revenues paid to the Department, the Commissioner of the Department shall make such written certifications as are necessary for the Comptroller to make the required deposit into the Transportation Future Fund as soon as practicable.*

§ 58.1-540. Levy of the tax.

A. Any county having a population of more than 500,000, as determined by the 1980 U. S. Census,

any county or city adjacent thereto, and any city contiguous to such an adjacent county or city, or any city with a population of at least 265,000, is hereby authorized to levy a local income tax at any increment of one-quarter percent up to a maximum rate of one percent upon the Virginia taxable income as determined in § 58.1-322 for an individual, § 58.1-361 for a fiduciary of an estate or trust, or § 58.1-402 for a corporation, for each taxable year of every resident of such county or city or corporation having income from sources within such county or city, subject to the limitations of subsection B of this section. The same rate shall apply to individuals, fiduciaries and corporations.

B. The authority to levy a local income tax as provided in subsection A may be exercised by a county or city governing body only if (i) *the county or city is not imposing the taxes or fees authorized pursuant to § 46.2-755.1, 58.1-605.1, 58.1-605.2, 58.1-606.1, 58.1-606.2, 58.1-802.1, 58.1-2402.1, 58.1-2402.2, or 58.1-3825.1, and* (ii) approved in a referendum within the county or city. The referendum shall be held in accordance with § 24.2-684. The referendum may be initiated either by a resolution of the governing body of the county or city or on the filing of a petition signed by a number of registered voters of the county or city equal in number to ten percent of the number of voters registered in the county or city on January 1 of the year in which the petition is filed with the circuit court of such county or city. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county or city once a week for three consecutive weeks prior to the election. The ballot used shall be printed to read as follows:

"Shall the governing body of (...name of county or city...) have the authority to levy a local income tax of up to one percent for transportation purposes in accordance with § 58.1-540 of the Code of Virginia?

_ Yes

_ No"

If the voters by a majority vote approve the authority of the local governing body to levy a local income tax, the tax may be imposed by the adoption of an ordinance by the governing body of the county or city in accordance with general or special law, and the tax may be thereafter enacted, modified or repealed as any other tax the governing body is empowered to levy subject only to the limitations herein. No ordinance levying a local income tax shall be repealed unless and until all debts or other obligations of the county or city to which such revenues are pledged or otherwise committed have been paid or provision made for payment.

§ 58.1-605.1. *Additional local sales tax in Northern Virginia.*

A. *In addition to any other taxes, fees, or other charges imposed under law, the governing body of each of the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park may by ordinance levy a local retail sales tax at the rate of 0.50% to generate revenue for transportation, provided that the governing body of the county or city appropriates the revenues collected from such tax to the Northern Virginia Transportation Authority established under § 15.2-4830.*

B. *Such tax shall not be levied upon food purchased for human consumption as defined in § 58.1-611.1. Such tax shall be added to the rate of the local sales tax imposed pursuant to the authority granted under § 58.1-605 and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax described under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.*

C. *Any ordinance imposing the local retail sales tax authorized under this section shall be effective on the first day of the first month that is at least 60 days subsequent to the adoption of the ordinance. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within 10 days after its adoption.*

D. *The revenue generated and collected pursuant to the tax authorized under this section, less the applicable portion of any refunds to taxpayers, shall be deposited and held in a special trust fund under the control of the State Treasurer entitled "Special Sales and Use Tax Fund Account of the Northern Virginia Transportation Authority." The State Treasurer shall distribute on a monthly basis the amounts deposited into the special trust fund to the Northern Virginia Transportation Authority. The Authority shall use such revenues for the purposes as set forth in § 15.2-4838.1.*

E. *No locality imposing the local retail sales tax pursuant to this section shall cease to impose such tax so long as the Northern Virginia Transportation Authority (i) is currently engaged in a transportation project within the boundaries of the locality, or that benefits the locality, (ii) has entered into a binding commitment to begin a transportation project within the boundaries of the locality, or that benefits the locality, or (iii) has issued bonds or incurred other evidence of debt that has not been satisfied or paid in full and that relates to a transportation project undertaken by the Authority within the boundaries of the locality, or that benefits the locality.*

§ 58.1-605.2. *Additional local sales tax in Hampton Roads.*

A. *Beginning January 1, 2008, in addition to any other taxes, fees, or other charges imposed under*

law, and subject to the limitations contained in § 33.1-391.17, the governing body of each of the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg may, by ordinance, levy a local retail sales tax at the rate of 1% to generate revenue for transportation, provided that the governing body of the locality appropriates the revenues collected from such tax to the Hampton Roads Transportation Authority established under § 33.1-391.7.

B. At such time as the Chesapeake Bay Bridge-Tunnel becomes subject to the control of the Hampton Roads Transportation Authority as provided in § 33.1-391.12, the governing body of each of the Counties of Accomack and Northampton, subject to the limitations contained in § 33.1-391.17, may also, by ordinance, levy a retail sales tax at the rate of 1% to generate revenue for transportation, provided that the governing body of the county appropriates the revenues collected from such tax to the Hampton Roads Transportation Authority established under § 33.1-391.7.

C. Such tax shall not be levied upon food purchased for human consumption as defined in § 58.1-611.1. Such tax shall be added to the rate of the local sales tax imposed pursuant to the authority granted under § 58.1-605 and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax described under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

D. The revenue generated and collected pursuant to the tax authorized under this section, less the applicable portion of any refunds to taxpayers, shall be deposited and held in a special trust fund under the control of the State Treasurer entitled "Special Sales and Use Tax Fund Account of the Hampton Roads Transportation Authority." The State Treasurer shall distribute on a monthly basis the amounts deposited into the special trust fund to the Hampton Roads Transportation Authority. The Authority shall use such revenues for the purposes as set forth in § 33.1-391.16.

E. No locality imposing the tax pursuant to this section shall cease to impose such tax so long as the Hampton Roads Transportation Authority (i) is currently engaged in a transportation project within the boundaries of the locality, or that benefits the locality, (ii) has entered into a binding commitment to begin a transportation project within the boundaries of the locality, or that benefits the locality, or (iii) has issued bonds or incurred other evidence of debt that has not been satisfied or paid in full and that relates to a transportation project undertaken by the Authority within the boundaries of the locality, or that benefits the locality.

§ 58.1-606.1. Additional local use tax in Northern Virginia.

A. In addition to any other taxes, fees, or other charges imposed under law, the governing body of each of the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park may by ordinance levy a local retail use tax at the rate of 0.50% to generate revenue for transportation, provided that the governing body of the county or city appropriates the revenues collected from such tax to the Northern Virginia Transportation Authority established under § 15.2-4830.

B. Such tax shall not be levied upon food purchased for human consumption as defined in § 58.1-611.1. Such tax shall be added to the rate of the local use tax imposed pursuant to the authority granted under § 58.1-605 and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax described under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state use tax.

C. Any ordinance imposing the local retail use tax authorized under this section shall be effective on the first day of the first month that is at least 60 days subsequent to the adoption of the ordinance. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within 10 days after its adoption.

D. The revenue generated and collected pursuant to the tax authorized under this section, less the applicable portion of any refunds to taxpayers, shall be deposited and held in a special trust fund under the control of the State Treasurer entitled "Special Sales and Use Tax Fund Account of the Northern Virginia Transportation Authority." The State Treasurer shall distribute on a monthly basis the amounts deposited into the special trust fund to the Northern Virginia Transportation Authority. The Authority shall use such revenues for the purposes as set forth in § 15.2-4838.1.

E. No locality imposing the local retail use tax pursuant to this section shall cease to impose such tax so long as the Northern Virginia Transportation Authority (i) is currently engaged in a transportation project within the boundaries of the locality, or that benefits the locality, (ii) has entered into a binding commitment to begin a transportation project within the boundaries of the locality, or that benefits the locality, or (iii) has issued bonds or incurred other evidence of debt that has not been satisfied or paid in full and that relates to a transportation project undertaken by the Authority within the boundaries of the locality, or that benefits the locality.

1898 § 58.1-606.2. *Additional local use tax in Hampton Roads.*

1899 A. Beginning January 1, 2008, in addition to any other taxes, fees, or other charges imposed under
 1900 law, and subject to the limitations contained in § 33.1-391.17, the governing body of each of the
 1901 Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News,
 1902 Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg may, by ordinance, levy a local retail
 1903 use tax at the rate of 1% to generate revenue for transportation, provided that the governing body of
 1904 the locality appropriates the revenues collected from such tax to the Hampton Roads Transportation
 1905 Authority established under § 33.1-391.7.

1906 B. At such time as the Chesapeake Bay Bridge-Tunnel becomes subject to the control of the Hampton
 1907 Roads Transportation Authority as provided in § 33.1-391.12, the governing body of each of the
 1908 Counties of Accomack and Northampton, subject to the limitations contained in § 33.1-391.17, may also,
 1909 by ordinance, levy a retail use tax at the rate of 1% to generate revenue for transportation, provided
 1910 that the governing body of the county appropriates the revenues collected from such tax to the Hampton
 1911 Roads Transportation Authority established under § 33.1-391.7.

1912 C. Such tax shall not be levied upon food purchased for human consumption as defined in
 1913 § 58.1-611.1. Such tax shall be added to the rate of the local use tax imposed pursuant to the authority
 1914 granted under § 58.1-606 and shall be subject to all the provisions of this chapter and the rules and
 1915 regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax
 1916 described under this section. Such tax shall be administered and collected by the Tax Commissioner in
 1917 the same manner and subject to the same penalties as provided for the state use tax.

1918 D. The revenue generated and collected pursuant to the tax authorized under this section, less the
 1919 applicable portion of any refunds to taxpayers, shall be deposited and held in a special trust fund under
 1920 the control of the State Treasurer entitled "Special Sales and Use Tax Fund Account of the Hampton
 1921 Roads Transportation Authority." The State Treasurer shall distribute on a monthly basis the amounts
 1922 deposited into the special trust fund to the Hampton Roads Transportation Authority. The Authority shall
 1923 use such revenues for the purposes as set forth in § 33.1-391.16.

1924 E. No locality imposing the tax pursuant to this section shall cease to impose such tax so long as the
 1925 Hampton Roads Transportation Authority (i) is currently engaged in a transportation project within the
 1926 boundaries of the locality, or that benefits the locality, (ii) has entered into a binding commitment to
 1927 begin a transportation project within the boundaries of the locality, or that benefits the locality, or (iii)
 1928 has issued bonds or incurred other evidence of debt that has not been satisfied or paid in full and that
 1929 relates to a transportation project undertaken by the Authority within the boundaries of the locality, or
 1930 that benefits the locality.

1931 § 58.1-639.1. *Exemptions for local sales and use tax.*

1932 Any exemption set forth in this chapter, or established pursuant to the administrative process under
 1933 § 58.1-609.11, for a state sales or use tax or a local sales or use tax under § 58.1-605 or 58.1-606 shall
 1934 also apply to the taxes imposed pursuant to §§ 58.1-605.1, 58.1-605.2, 58.1-606.1, and 58.1-606.2.

1935 § 58.1-802. *Additional tax paid by grantor; collection.*

1936 A. In addition to any other tax imposed under the provisions of this chapter, a tax is hereby imposed
 1937 on each deed, instrument, or writing by which lands, tenements or other realty sold is granted, assigned,
 1938 transferred, or otherwise conveyed to, or vested in the purchaser, or any other person, by such
 1939 purchaser's direction. ~~The~~ Except as provided in subsection C, the rate of the tax, when the consideration
 1940 or value of the interest exceeds \$100, shall be ~~50~~ 10 cents for each ~~\$500~~ \$100 or fraction thereof,
 1941 exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether
 1942 such lien is assumed or the realty is sold subject to such lien or encumbrance. ~~No increase in the city or~~
 1943 ~~county recordation tax authorized by § 58.1-814 shall be deemed authorized by this section.~~

1944 The tax imposed by this section shall be paid by the grantor, or any person who signs on behalf of
 1945 the grantor, of any deed, instrument or writing subject to the tax imposed by this section.

1946 No such deed, instrument or other writing shall be admitted to record without certification of the
 1947 clerk of the court wherein first recorded having been affixed thereto that the tax imposed by this section
 1948 has been paid. The clerk shall include within the certificate the amount of such tax collected thereon.

1949 B. Taxes imposed by this section shall be collected as provided in § 58.1-812 and the clerk shall
 1950 return taxes collected hereunder, *except as provided in subsection C*, one-half into the state treasury and
 1951 one-half into the treasury of the locality.

1952 The local portion of the tax imposed by this section on property which is located in more than one
 1953 jurisdiction shall be collected by the clerk in proportion to the value of the property located in each such
 1954 locality when recorded therein.

1955 Every clerk of court collecting taxes under this section for the county or city which he serves shall
 1956 be entitled to compensation for such service at five percent of the amount so collected and paid, *with*
 1957 *such compensation based on a rate of 10 cents for each \$100 or fraction thereof as determined*
 1958 *pursuant to subsection A.*

1959 C. The rate of the tax imposed pursuant to this section, when the consideration or value of the

interest exceeds \$100, shall be 50 cents for each \$100 or fraction thereof for such realty that is located in the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

The clerk shall return taxes collected hereunder for realty that is located in the counties and cities set forth in this subsection as follows: (i) taxes collected at the rate of 40 cents for each \$100 or fraction thereof as determined pursuant to subsection A shall be returned by the clerk to the state treasury, and such revenues shall be deposited by the Comptroller into the Special Transportation Fund for Northern Virginia established under § 15.2-4838.2 as soon as practical; (ii) taxes collected at the rate of 5 cents for each \$100 or fraction thereof shall be returned by the clerk to the state treasury, and such revenues shall be deposited by the Comptroller into the general fund of the state treasury; and (iii) taxes collected at the rate of 5 cents for each \$100 or fraction thereof shall be returned into the treasury of such county or city in which the realty is located. For such deposits into the Special Transportation Fund for Northern Virginia, the Comptroller shall establish subfunds for each such county and city and shall deposit such revenues generated by virtue of realty located in such counties and cities into the respective subfund.

D. No increase in the city or county recordation tax authorized by § 58.1-814 shall be deemed authorized by this section.

§ 58.1-802.1. Additional local grantor's tax in Hampton Roads; collection.

A. In addition to the tax imposed by § 58.1-802 and any other fee, tax, or other charge imposed under law, and subject to the limitations contained in § 33.1-391.17, the governing body of each of the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg may, by ordinance, impose a tax on each deed, instrument, or writing by which lands, tenements or other realty sold (located in the county or city) is granted, assigned, transferred, or otherwise conveyed to, or vested in the purchaser, or any other person, by such purchaser's direction, provided that the governing body of the locality appropriates the revenues collected from such tax to the Hampton Roads Transportation Authority established under § 33.1-391.7. The rate of the tax, when the consideration or value of the interest exceeds \$100, shall be \$0.30 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

B. At such time as the Chesapeake Bay Bridge-Tunnel becomes subject to the control of the Hampton Roads Transportation Authority as provided in § 33.1-391.12, the governing body of each of the Counties of Accomack and Northampton, subject to the limitations contained in § 33.1-391.17, may also, by ordinance, impose a tax on each deed, instrument, or writing by which lands, tenements or other realty sold (located in the county or city) is granted, assigned, transferred, or otherwise conveyed to, or vested in the purchaser, or any other person, by such purchaser's direction, provided that the governing body of the locality appropriates the revenues collected from such tax to the Hampton Roads Transportation Authority established under § 33.1-391.7. The rate of the tax, when the consideration or value of the interest exceeds \$100, shall be \$0.30 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

C. The tax imposed pursuant to the authority granted under this section shall be paid by the grantor (or any person who signs on behalf of the grantor) of any deed, instrument, or writing that is subject to the tax imposed pursuant to this section.

In any county or city in which such tax is imposed, no such deed, instrument, or other writing shall be admitted to record without certification of the clerk of the court wherein first recorded having been affixed thereto that such tax has been paid. The clerk shall include within the certificate the amount of such tax collected thereon.

D. The tax shall be collected pursuant to subsection B of § 58.1-802. However, the compensation allowed to the clerk of the court under such subsection shall not be applicable with regard to the tax collected under this section. The clerk shall return all taxes collected pursuant to the authority granted under this section to the Hampton Roads Transportation Authority to be used for the purposes as set forth in § 33.1-391.16.

The tax imposed pursuant to the authority granted under this section on property that is located in more than one jurisdiction shall be collected by the clerk in proportion to the value of the property located in each locality when recorded therein.

E. No increase in the city or county recordation tax authorized by § 58.1-814 shall be deemed authorized by this section.

F. No locality imposing the tax pursuant to this section shall cease to impose such tax so long as the

2021 *Hampton Roads Transportation Authority (i) is currently engaged in a transportation project within the*
2022 *boundaries of the locality, or that benefits the locality, (ii) has entered into a binding commitment to*
2023 *begin a transportation project within the boundaries of the locality, or that benefits the locality, or (iii)*
2024 *has issued bonds or incurred other evidence of debt that has not been satisfied or paid in full and that*
2025 *relates to a transportation project undertaken by the Authority within the boundaries of the locality, or*
2026 *that benefits the locality.*

2027 § 58.1-811. Exemptions.

2028 A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate
2029 or lease of real estate:

2030 1. To an incorporated college or other incorporated institution of learning not conducted for profit,
2031 where such real estate is intended to be used for educational purposes and not as a source of revenue or
2032 profit;

2033 2. To an incorporated church or religious body or to the trustee or trustees of any church or religious
2034 body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively
2035 for religious purposes, or for the residence of the minister of any such church or religious body;

2036 3. To the United States, the Commonwealth, or to any county, city, town, district or other political
2037 subdivision of the Commonwealth;

2038 4. To the Virginia Division of the United Daughters of the Confederacy;

2039 5. To any nonstock corporation organized exclusively for the purpose of owning or operating a
2040 hospital or hospitals not for pecuniary profit;

2041 6. To a corporation upon its organization by persons in control of the corporation in a transaction
2042 which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it
2043 exists at the time of the conveyance;

2044 7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a
2045 transaction which qualifies for income tax treatment pursuant to § 331, 332, 333 or 337 of the Internal
2046 Revenue Code as it exists at the time of liquidation;

2047 8. To the surviving or new corporation, partnership or limited liability company upon merger or
2048 consolidation of two or more corporations, partnerships or limited liability companies, or in a
2049 reorganization within the meaning of § 368 (a) (1) (C) and (F) of the Internal Revenue Code as
2050 amended;

2051 9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a
2052 parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal
2053 Revenue Code as amended;

2054 10. To a partnership or limited liability company, when the grantors are entitled to receive not less
2055 than 50 percent of the profits and surplus of such partnership or limited liability company; provided that
2056 the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the
2057 company to avoid recordation taxes;

2058 11. From a partnership or limited liability company, when the grantees are entitled to receive not less
2059 than 50 percent of the profits and surplus of such partnership or limited liability company; provided that
2060 the transfer from a limited liability company is not subsequent to a transfer of control of the assets of
2061 the company to avoid recordation taxes;

2062 12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of
2063 the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust
2064 instrument, when no consideration has passed between the grantor and the beneficiaries; and to the
2065 original beneficiaries of a trust from the trustees holding title under a deed in trust;

2066 13. When the grantor is the personal representative of a decedent's estate or trustee under a will or
2067 inter vivos trust of which the decedent was the settlor, other than a security trust defined in § 55-58.1,
2068 and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to
2069 transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive
2070 provision in the trust instrument; or

2071 14. When the grantor is an organization exempt from taxation under § 501 (c) (3) of the Internal
2072 Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect
2073 or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise
2074 would be unable to afford to buy a home through conventional means, located in a county with a
2075 population of not less than 28,500 and not more than 28,650 or a city with a population of not less than
2076 66,000 and not more than 70,000.

2077 B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

2078 1. Given by an incorporated college or other incorporated institution of learning not conducted for
2079 profit;

2080 2. Given by the trustee or trustees of a church or religious body or given by an incorporated church
2081 or religious body, or given by a corporation mentioned in § 57-16.1;

2082 3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or

operating a hospital or hospitals not for pecuniary profit;

4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision; or

5. Securing a loan made by an organization described in subdivision 14 of subsection A of this section.

C. The ~~tax~~ taxes imposed by §§ 58.1-802 and 58.1-802.1 shall not apply to any:

1. Transaction described in subdivisions 6 through 13 of subsection A of this section;

2. Instrument or writing given to secure a debt;

3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;

4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district or other political subdivision thereof;

5. Conveyance of real estate to the Commonwealth or any county, city, town, district or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802 or 58.1-802.1; or

6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district or other political subdivision of the Commonwealth.

F. The taxes imposed by §§ 58.1-801, 58.1-802, 58.1-802.1, 58.1-807, 58.1-808 and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural or open space areas.

G. The words "trustee" or "trustees," as used in subdivision 2 of subsection A, subdivision 2 of subsection B, and subdivision 6 of subsection C, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) or similar federal law.

§ 58.1-812. Payment prerequisite to recordation; exceptions; assessment and collection of tax; penalty for misrepresentation.

A. Except as otherwise provided in this chapter, no deed, deed of trust, contract or other instrument shall be admitted to record without the payment of the tax imposed thereon by law and the fee pursuant to § 58.1-817, as applicable. However, after payment of the tax imposed by this chapter, *and any tax imposed pursuant to the authority granted under § 58.1-802.1*, when an instrument is first offered for recordation, such instrument may thereafter be recorded in the office of any other clerk without the payment of any tax except any local recordation tax as provided in Article 1 (§ 58.1-3800 et seq.) of Chapter 38 of this title. Any instrument may also be recorded free of tax and fee in the office of the clerk where such instrument was originally recorded when the record containing such instrument has been destroyed.

B. The tax on every deed, deed of trust, contract or other instrument shall be determined and collected by the clerk in whose office the instrument is first offered for recordation. The clerk may ascertain the consideration of the deed or of the instrument, the actual value of the property conveyed, and the qualification of the deed or instrument for any exemption claimed by inquiry, affidavit, declaration or other extrinsic evidence acceptable to the clerk. The fee shall be \$1 on every recorded deed pursuant to § 58.1-817 and shall be collected by the clerk in whose office the deed is offered for recordation.

C. Any person who knowingly misrepresents any of the information requested by the clerk of court pursuant to this section shall be guilty of a Class 2 misdemeanor.

§ 58.1-813. Collection of tax by Department.

The Department may assess and collect any tax imposed by this chapter ~~which~~ or imposed pursuant to the authority granted under § 58.1-802.1 that has remained uncollected for thirty days. The Department, prior to collecting such tax, shall give notice to the clerk of court in whose office the tax was to be collected. The Department may then proceed to assess and collect the unpaid tax in the same

2144 manner and by the same methods used for the collection of any state tax administered by the
2145 Department.

2146 Any local tax collected hereunder in conjunction with the collection of a state tax by the Department
2147 shall be deposited into the state treasury. The Comptroller shall, by warrant drawn on the Treasurer of
2148 Virginia, remit to the proper city or county any amounts due to such city or county.

2149 § 58.1-815. U.S. Route 58 Corridor Development Fund.

2150 There is hereby created in the Department of the Treasury a special nonreverting fund which shall be
2151 a part of the Transportation Trust Fund and which shall be known as the U.S. Route 58 Corridor
2152 Development Fund, consisting of the first \$40 million of annual collections of the state recordation taxes
2153 imposed by this chapter; provided, however, this dedication shall not affect the local recordation taxes
2154 under ~~§§ 58.1-802 B subsections B and C of § 58.1-802~~ and § 58.1-814. The Fund shall also include
2155 such other funds as may be appropriated by the General Assembly from time to time, and designated for
2156 this Fund and all interest, dividends and appreciation which may accrue thereto. Any moneys remaining
2157 in the Fund at the end of a biennium shall not revert to the General Fund, but shall remain in the Fund.
2158 Allocations from this Fund may be paid to any authority, locality or commission for the purposes
2159 specified in § 33.1-221.1:2.

2160 § 58.1-815.1. Northern Virginia Transportation District Fund.

2161 A. There is hereby created in the Department of the Treasury a special nonreverting fund which shall
2162 be a part of the Transportation Trust Fund and which shall be known as the Northern Virginia
2163 Transportation District Fund, consisting of transfers pursuant to § 58.1-816 of annual collections of the
2164 state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and
2165 Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this
2166 dedication shall not affect the local recordation taxes under ~~§§ 58.1-802 B subsections B and C of~~
2167 ~~§ 58.1-802~~ and § 58.1-814. The Fund shall also include any public rights-of-way use fees appropriated
2168 by the General Assembly; any state or local revenues, including but not limited to, any funds distributed
2169 pursuant to § 33.1-23.3, 33.1-23.4 or 33.1-23.5:1, which may be deposited into the Fund pursuant to a
2170 contract between a jurisdiction participating in the Northern Virginia Transportation District Program and
2171 the Commonwealth Transportation Board; and any other funds as may be appropriated by the General
2172 Assembly from time to time and designated for this Fund and all interest, dividends and appreciation
2173 which may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert
2174 to the general fund, but shall remain in the Fund, subject to the determination by the Commonwealth
2175 Transportation Board that a Category 2, 3 or 4 project or projects may be funded.

2176 B. Allocations from this Fund may be paid (i) to any authority, locality or commission for the
2177 purposes of paying the costs of the Northern Virginia Transportation District Program which consists of
2178 the following: the Fairfax County Parkway, Route 234 Bypass, Metrorail Capital Improvements
2179 attributable to Fairfax County including Metro parking expansions, Metro Capital Improvements,
2180 including the Franconia-Springfield Metrorail Station and new rail car purchases, Route 7 improvements
2181 in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in
2182 Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail
2183 capital improvements attributable to the City of Alexandria including the King Street Metrorail Station
2184 access, Metrorail capital improvements attributable to Arlington County, including Ballston Station
2185 improvements, Route 15 safety improvements in Loudoun County, Route 28 parallel roads in Loudoun
2186 County, the Route 28/Sterling Boulevard interchange in Loudoun County, Route 1/Route 123
2187 interchange improvements in Prince William County, Lee Highway improvements in the City of Fairfax,
2188 Route 123 improvements in Fairfax County, Telegraph Road improvements in Fairfax County, Route
2189 123 Occoquan River Bridge, Gallows Road in Fairfax County, Route 1/Route 234 interchange
2190 improvements in Prince William County, Potomac-Rappahannock Transportation Commission bus
2191 replacement program, and Dulles Corridor Enhanced Transit program and (ii) for Category 4 projects as
2192 provided in § 2 of the act or acts authorizing the issuance of Bonds for the Northern Virginia
2193 Transportation District Program.

2194 C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be
2195 made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an
2196 amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the
2197 General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state
2198 recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this
2199 section and § 58.1-816.

2200 § 58.1-816.1. Transportation Improvement Program Set-aside Fund.

2201 There is hereby created in the Department of the Treasury a special nonreverting fund which shall be
2202 a part of the Transportation Trust Fund and which shall be known as the Transportation Improvement
2203 Program Set-aside Fund ("Set-aside Fund"), consisting of transfers pursuant to § 58.1-816 of annual
2204 collections of the state recordation taxes attributable to any local jurisdiction which adopts an ordinance
2205 to dedicate and use its share of state recordation tax distributions for transportation purposes; however,

2206 this dedication shall not affect the local recordation taxes under §§ ~~58.1-802 B~~ *subsections B and C of*
 2207 § 58.1-802 and § 58.1-814. Any local jurisdiction making such an election shall transmit a copy of its
 2208 ordinance to the State Treasurer at least ninety days before transfers to the Set-aside Fund are to take
 2209 effect. The State Treasurer is hereby authorized to commingle the funds of the various local jurisdictions
 2210 in the Set-aside Fund, subject to the establishment of an accounting system which allows for the
 2211 separate tracking of each local jurisdiction's share. The election to participate in the Set-aside Fund shall
 2212 be revocable by the passage of an ordinance to that effect; however, if debt has been issued or other
 2213 obligations incurred on the local jurisdiction's behalf, the election to participate shall be irrevocable so
 2214 long as such bonds, or other obligations, are outstanding. A permitted revocation shall entitle the local
 2215 jurisdiction to receive its remaining share, plus earnings and less the Treasurer's investment charges.

2216 The Set-aside Fund shall also include such other funds as may be appropriated by the General
 2217 Assembly from time to time and designated for the Set-aside Fund and all interest, dividends and
 2218 appreciation which may accrue thereto. Any moneys remaining in the Set-aside Fund at the end of a
 2219 biennium shall not revert to the general fund, but shall remain in the Set-aside Fund. Allocations from
 2220 the Set-aside Fund may be paid to any authority, locality or commission for the purposes of paying the
 2221 costs of any Transportation Improvement Program in which the local jurisdiction elects to participate.

2222 § 58.1-2217. Taxes levied; rate.

2223 A. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on gasoline and
 2224 gasohol.

2225 B. There is hereby levied a tax at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon on
 2226 diesel fuel.

2227 C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that
 2228 contains diesel fuel shall be taxed at the rate levied on diesel fuel.

2229 D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person,
 2230 whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in
 2231 highway vehicles any aviation gasoline shall be liable for the tax at the rate of seventeen and one-half
 2232 cents per gallon, along with any penalties and interest that may accrue.

2233 E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or
 2234 acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax
 2235 at the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded
 2236 aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is
 2237 hereby levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded
 2238 aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in
 2239 any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells
 2240 or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for
 2241 the tax imposed at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon, along with any penalties
 2242 and interest that may accrue.

2243 F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline,
 2244 aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and
 2245 delivered or used in the Commonwealth.

2246 § 58.1-2249. Tax on alternative fuel.

2247 A. There is hereby levied a tax at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon on
 2248 liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores
 2249 fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate
 2250 equivalent to ~~sixteen~~ *seventeen and one-half* cents per gallon on all other alternative fuel used to operate
 2251 a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other
 2252 alternative fuels.

2253 B. In addition to any tax imposed by this article, there is hereby levied an annual license tax of ~~fifty~~
 2254 ~~dollars~~ \$70 per vehicle on each highway vehicle that is fueled from a private source if the alternative
 2255 fuels tax levied under this article has not been paid on fuel used in the vehicle. If such a highway
 2256 vehicle is not in operation by January 1 of any year, the license tax shall be reduced by one-twelfth for
 2257 each complete month which shall have elapsed since the beginning of such year.

2258 Article 8.1.

2259 Additional Taxes.

2260 § 58.1-2288.1. *Additional taxes on fuels.*

2261 A. *Beginning July 1, 2008, any licensee or person required to precollect the tax imposed on fuels*
 2262 *under § 58.1-2217 or 58.1-2249 shall also be required to precollect an additional tax, which is hereby*
 2263 *imposed at the rate established in subsection B, on the number of gallons of gasoline, gasohol, diesel*
 2264 *fuel, blended fuel, or alternative fuel for which the licensee or person is precollecting the tax under such*
 2265 *section or sections. The tax imposed under this section shall be in addition to all other taxes and fees of*
 2266 *every kind now imposed by law.*

2267 *B. The tax imposed under subsection A shall be imposed at a cents per gallon rate determined by the*
2268 *Commissioner. Such tax shall be imposed at a cents per gallon rate equal to 5% of the statewide*
2269 *average retail price of a gallon of self-serve unleaded regular gasoline for the applicable base period,*
2270 *excluding federal and state excise taxes, as determined by the Commissioner rounded up to the nearest*
2271 *one-tenth of one cent.*

2272 *In computing the cents per gallon tax, the Commissioner shall use two base periods. The period from*
2273 *April 1 through September 30 shall be the base period for purposes of determining the cents per gallon*
2274 *tax for the immediately following period beginning January 1 and ending through June 30, inclusive.*
2275 *The period from October 1 through March 31 shall be the base period for purposes of determining the*
2276 *cents per gallon tax for the immediately following period beginning July 1 and ending through*
2277 *December 31, inclusive.*

2278 *C. The tax imposed under this section on gallons of fuel for which the licensee or person is*
2279 *precollecting the tax under § 58.1-2217 or 58.1-2249 is imposed on the ultimate consumer but shall be*
2280 *precollected as prescribed herein, and the levies and assessments imposed on the licensee or person for*
2281 *such tax are imposed on them as agents of the Commonwealth for the precollection of the tax.*

2282 *D. The tax imposed under subsection A shall be due and paid by such licensee or person at the*
2283 *same time that the tax under § 58.1-2217 or 58.1-2249, as applicable, is due. All provisions of this*
2284 *chapter including but not limited to return filing and reporting requirements, payment requirements and*
2285 *due dates for payment of tax, requirements to precollect tax, late payment penalties and interest,*
2286 *jeopardy assessments, civil penalties, discounts, deductions, and exemptions from tax shall apply mutatis*
2287 *mutandis to the additional tax imposed under this section.*

2288 *§ 58.1-2289. Disposition of tax revenue generally.*

2289 *A. Unless*~~Except~~ *as otherwise provided in subsection F and elsewhere in this section, all taxes and*
2290 *fees, including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable*
2291 *amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute*
2292 *special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at*
2293 *the end of the year shall be available for use in subsequent years for the purposes set forth in this*
2294 *chapter, and any interest income on such funds shall accrue to these funds. Except as provided in*
2295 *subsection F and § 33.1-23.03:1, no portion of the revenue derived from taxes collected pursuant to*
2296 *§§ 58.1-2217, 58.1-2249 or § 58.1-2701, and remaining after authorized refunds for nonhighway use of*
2297 *fuel, shall be used for any purpose other than the construction, reconstruction or maintenance of the*
2298 *roads and projects comprising the State Highway System, the Interstate System and the secondary*
2299 *system of state highways and expenditures directly and necessarily required for such purposes, including*
2300 *the retirement of revenue bonds.*

2301 ~~Revenues~~*Except as provided in subsection F, revenues collected under this chapter may be also used*
2302 *for (i) contributions toward the construction, reconstruction or maintenance of streets in cities and towns*
2303 *of such sums as may be provided by law and (ii) expenditures for the operation and maintenance of the*
2304 *Department of Transportation, the Department of Rail and Public Transportation, the Department of*
2305 *Aviation, the Virginia Port Authority, and the Department of Motor Vehicles as may be provided by*
2306 *law.*

2307 *The Governor is hereby authorized to transfer out of such fund an amount necessary for the*
2308 *inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection*
2309 *and analysis of gasoline for purity.*

2310 ~~The~~*Except as provided in subsection F, the tax collected on each gallon of aviation fuel sold and*
2311 *delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state*
2312 *treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed*
2313 *upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the*
2314 *administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance*
2315 *and improvement of airports and landing fields to which the public now has or which it is proposed*
2316 *shall have access, and for the promotion of aviation in the interest of operators and the public generally.*

2317 *C. One-half cent of the tax collected on each gallon of fuel on which ~~the~~ a refund has been paid at*
2318 *the rate of seventeen cents per gallon, or in the case of diesel fuel, fifteen and one-half cents per gallon,*
2319 *~~for fuel for gasoline, gasohol, diesel fuel, blended fuel, and alternative fuel~~ consumed in tractors and*
2320 *unlicensed equipment used for agricultural purposes pursuant to subdivision A 18 of § 58.1-2259 shall*
2321 *be paid into a special fund of the state treasury, known as the Virginia Agricultural Foundation Fund, to*
2322 *be disbursed to make certain refunds and defray the costs of the research and educational phases of the*
2323 *agricultural program, including supplemental salary payments to certain employees at Virginia*
2324 *Polytechnic Institute and State University, the Department of Agriculture and Consumer Services and the*
2325 *Virginia Truck and Ornamentals Research Station, including reasonable expenses of the Virginia*
2326 *Agricultural Council.*

2327 *D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial*
2328 *watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of*

the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the purposes provided generally in subsection C of § 29.1-701, including acquisition, construction, improvement and maintenance of public boating access areas on the public waters of this Commonwealth and for other activities and purposes of direct benefit and interest to the boating public and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be used for the construction, repair, improvement and maintenance of the public docks of this Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction, improvement and maintenance of the public docks shall be made according to a plan developed by the Virginia Marine Resources Commission.

From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for the propelling of watercraft, *after deduction for the additional applicable revenues generated by increases in the rate of taxes and the imposition of new taxes under this chapter pursuant to enactments of the 2007 Session of the General Assembly* and after deduction for lawful refunds, there shall be paid into the state treasury for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters, (iii) make environmental improvements including, without limitation, fisheries management and habitat enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.1-223, a sum as established by the General Assembly.

E. Notwithstanding other provisions of this section, there shall be transferred from moneys collected pursuant to this section to a special fund within the Commonwealth Transportation Fund in the state treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles, an amount equal to one percent of a sum to be calculated as follows: the tax revenues collected pursuant to this chapter, at the tax rates in effect on December 31, 1986, less refunds authorized by this chapter and less taxes collected for aviation fuels.

F. *An amount equivalent to the net additional revenues, as determined by the Commissioner, generated by increases in the rates of taxes and the imposition of new taxes under this chapter pursuant to enactments of the 2007 Session of the General Assembly shall be distributed as follows:*

1. *20 percent of the revenues collected from the tax imposed under § 58.1-2288.1 shall be distributed to the counties and cities of this Commonwealth on a pro rata basis based upon the number of motor vehicles registered in the county or city as compared to the number of motor vehicles registered in the Commonwealth as a whole. For purposes of this distribution, in the month of January of each year the Commissioner shall make a determination of the number of motor vehicles then registered in each county and city of the Commonwealth and shall, effective February 1 of the same year, use such updated registrations for purposes of the distribution. For purposes of this subdivision, motor vehicle means the same as that term is defined in § 46.2-100; and*

2. *80 percent of the revenues collected from the tax imposed under § 58.1-2288.1 and all other revenues generated under this chapter by enactments of the 2007 Session of the General Assembly shall be deposited into the Transportation Future Fund established under § 33.1-23.03:10.*

The Commissioner shall provide a monthly certification to the Comptroller reporting such net additional revenues generated in each month. The certification shall include the amount to be distributed to each county and city in accordance with subdivision 1 and the amount to be deposited into the Transportation Future Fund in accordance with subdivision 2. The certification for each month shall be provided to the Comptroller no later than the twentieth day of the second month succeeding the month in which the revenues were generated. The Comptroller shall make the deposit into the Transportation Future Fund for each month's revenues no later than the last day of the second month succeeding the month in which the revenues were generated, and shall make the required distributions to counties and cities within the same time frame.

All revenues distributed to counties and cities pursuant to this subsection shall be used solely for local or regional projects directly relating to transportation. Such transportation projects may include debt service payments on obligations and other evidences of debt issued or entered into to finance or fund transportation projects, but only for such obligations or debt that has not been authorized and is not outstanding as of June 30, 2007.

§ 58.1-2402.1. Northern Virginia local rental car transportation impact fee.

A. *In addition to all other taxes, fees, and other charges imposed under law, the governing body of each of the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park may, by ordinance, impose a fee of 2% of the gross proceeds on the rental in the locality of any daily rental vehicle regardless of whether such vehicle is required to be licensed in the Commonwealth, provided that the governing body of the locality appropriates the revenues collected from such fee to the Northern Virginia Transportation Authority*

2390 established under § 15.2-4830. The fee shall not be levied upon a rental to a person for re-rental as an
2391 established business or part of an established business, or incidental or germane to such business.

2392 B. The fee imposed pursuant to the authority granted under this section shall be implemented,
2393 enforced, and collected in the same manner that rental taxes under this chapter are implemented,
2394 enforced, and collected.

2395 C. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor
2396 Vehicles and shall be remitted by the Comptroller on a monthly basis to the Northern Virginia
2397 Transportation Authority to be used for the purposes as set forth in § 15.2-4838.1. The Commissioner
2398 shall maintain records of the fee imposed and collected and the locality and address of each vehicle
2399 registered.

2400 D. No locality imposing the fee authorized under this section shall cease to impose such fee so long
2401 as the Northern Virginia Transportation Authority (i) is currently engaged in a transportation project
2402 within the boundaries of the locality, or that benefits the locality, (ii) has entered into a binding
2403 commitment to begin a transportation project within the boundaries of the locality, or that benefits the
2404 locality, or (iii) has issued bonds or incurred other evidence of debt that has not been satisfied or paid
2405 in full and that relates to a transportation project undertaken by the Authority within the boundaries of
2406 the locality, or that benefits the locality.

2407 § 58.1-2402.2. Hampton Roads local rental car transportation impact fee.

2408 A. Beginning January 1, 2008, in addition to all other taxes, fees, and other charges imposed under
2409 law, and subject to the limitations contained in § 33.1-391.17, the governing body of each of the
2410 Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News,
2411 Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg may, by ordinance, impose a fee of 2%
2412 of the gross proceeds on the rental in the locality of any daily rental vehicle regardless of whether such
2413 vehicle is required to be licensed in the Commonwealth, provided that the governing body of the locality
2414 appropriates the revenues collected from such fee to the Hampton Roads Transportation Authority
2415 established under § 33.1-391.7. The fee shall not be levied upon a rental to a person for re-rental as an
2416 established business or part of an established business, or incidental or germane to such business.

2417 B. At such time as the Chesapeake Bay Bridge-Tunnel becomes subject to the control of the Hampton
2418 Roads Transportation Authority as provided in § 33.1-391.12, the governing body of each of the
2419 Counties of Accomack and Northampton, subject to the limitations contained in § 33.1-391.17, may also,
2420 by ordinance, impose a fee of 2% of the gross proceeds on the rental in the locality of any daily rental
2421 vehicle regardless of whether such vehicle is required to be licensed in the Commonwealth, provided
2422 that the governing body of the county appropriates the revenues collected from such fee to the Hampton
2423 Roads Transportation Authority established under § 33.1-391.7. The fee shall not be levied upon a
2424 rental to a person for re-rental as an established business or part of an established business, or
2425 incidental or germane to such business.

2426 C. The fee imposed pursuant to the authority granted under this section shall be implemented,
2427 enforced, and collected in the same manner that rental taxes under this chapter are implemented,
2428 enforced, and collected.

2429 D. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor
2430 Vehicles and shall be remitted by the Comptroller on a monthly basis to the Hampton Roads
2431 Transportation Authority to be used for the purposes as set forth in § 33.1-391.16. The Commissioner
2432 shall maintain records of the fee imposed and collected and the locality and address of each vehicle
2433 registered.

2434 E. No locality imposing the fee authorized under this section shall cease to impose such fee so long
2435 as the Hampton Roads Transportation Authority (i) is currently engaged in a transportation project
2436 within the boundaries of the locality, or that benefits the locality, (ii) has entered into a binding
2437 commitment to begin a transportation project within the boundaries of the locality, or that benefits the
2438 locality, or (iii) has issued bonds or incurred other evidence of debt that has not been satisfied or paid
2439 in full and that relates to a transportation project undertaken by the Authority within the boundaries of
2440 the locality, or that benefits the locality.

2441 § 58.1-2403. Exemptions.

2442 No tax shall be imposed as provided in § 58.1-2402, 58.1-2402.1, or 58.1-2402.2 if the vehicle is:

- 2443 1. Sold to, rented or used by the United States government or any governmental agency thereof;
- 2444 2. Sold to, rented or used by the Commonwealth of Virginia or any political subdivision thereof;
- 2445 3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;
- 2446 4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any
2447 other recognized Indian tribe of the Commonwealth living on the tribal reservation;
- 2448 5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the
2449 lienholder;
- 2450 6. A manufactured home permanently attached to real estate and included in the sale of real estate;
- 2451 7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse,

2452 this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the
2453 transfer;

2454 8. Transferred from an individual or partnership to a corporation or limited liability company or from
2455 a corporation or limited liability company to an individual or partnership if the transfer is incidental to
2456 the formation, organization or dissolution of a corporation or limited liability company in which the
2457 individual or partnership holds the majority interest;

2458 9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent
2459 corporation to a wholly owned subsidiary;

2460 10. Being registered for the first time in this Commonwealth and the applicant holds a valid,
2461 assignable title or registration issued to him by another state or a branch of the United States Armed
2462 Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less
2463 than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has
2464 been purchased by the applicant within the last 12 months and the applicant is unable to provide
2465 evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the
2466 fair market value of the vehicle at the time of registration in Virginia;

2467 11. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale;

2468 12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban
2469 bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles,
2470 one way, on the same day;

2471 13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole
2472 purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than
2473 Virginia;

2474 14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for
2475 the use of a church conducted not for profit;

2476 15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the
2477 instruction of driver's education when such education is a part of such school's curriculum for full-time
2478 students;

2479 16. Sold to an insurance company or local government group self-insurance pool, created pursuant to
2480 § 15.2-2703, for the sole purpose of disposition when such company or pool has paid the registered
2481 owner of such vehicle a total loss claim;

2482 17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of
2483 foreign governments, their employees or agents, and members of their families, if such persons are
2484 nationals of the state by which they are appointed and are not citizens of the United States;

2485 18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a
2486 nonprofit hospital or a cooperative hospital service organization as described in § 501 (e) of the United
2487 States Internal Revenue Code;

2488 19. A motor vehicle having seats for more than seven passengers and sold to a restricted common
2489 carrier or common carrier of passengers;

2490 20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic
2491 or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital
2492 service organization as described in § 501 (e) of the United States Internal Revenue Code, or a nonprofit
2493 corporation as defined in § 501 (c) (3) of the Internal Revenue Code, established for research in,
2494 diagnosis of, or therapy for human ailments;

2495 21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501 (c)
2496 (3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such
2497 organization;

2498 22. A motor vehicle sold to an organization which is exempt from taxation under § 501 (c) (3) of the
2499 Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing,
2500 medicines and other necessities of life to, and providing shelter for, needy persons in the United States
2501 and throughout the world;

2502 23. A truck, tractor truck, trailer, or semitrailer, as severally defined in § 46.2-100, except trailers and
2503 semitrailers not designed or used to carry property and vehicles registered under § 46.2-700, with a gross
2504 vehicle weight rating or gross combination weight rating of 26,001 pounds or more, in which case no
2505 tax shall be imposed pursuant to subdivisions 1 and 3 of subsection A of § 58.1-2402;

2506 24. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a
2507 Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of
2508 whether other beneficiaries of the trust may also be named in the trust instrument, when no
2509 consideration has passed between the titleholder and the beneficiaries; and transferred to the original
2510 titleholder from the trustees holding title to the motor vehicle;

2511 25. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the
2512 beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be

named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case;

26. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has been paid to the Commonwealth by the lessee purchasing the vehicle; or

27. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will, of such deceased person.

§ 58.1-2425. Disposition of revenues.

A. ~~Except as provided in §§ 58.1-2402.1 and 58.1-2402.2,~~ funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in §§ 58.1-2402.1 and 58.1-2402.2 and 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) 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) 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.

§ 58.1-2531. Distribution of certain revenue.

A. Beginning with the Commonwealth's 2007-2008 fiscal year and for each fiscal year thereafter, all revenues collected by the Commission from the tax imposed under this chapter shall be deposited by the Comptroller into the Priority Transportation Fund established under § 33.1-23.03:8 until the amount deposited into the Fund pursuant to this section equals one-third of the revenues collected from such tax for the immediately preceding calendar year less one-third of the total amount of such tax refunded in the immediately preceding calendar year.

B. For purposes of the Comptroller's deposits under this section, the Commissioner of the Bureau of Insurance shall, no later than July 15 of each year, provide a written certification to the Comptroller that reports the amount to be deposited into the Priority Transportation Fund in the fiscal year as required under this section. After the required amount has been deposited into such Fund, the Comptroller shall deposit all remaining revenues collected in the fiscal year from the taxes imposed under this chapter into the general fund of the state treasury. The Comptroller shall make all deposits under this section as soon as practicable.

§ 58.1-2701. Amount of tax.

A. Except as provided in subsection B, every motor carrier shall pay a road tax on a per-gallon basis equivalent to ~~nineteen and one-half~~ (i) the cents per gallon tax on diesel fuel imposed under Chapter 22 (§ 58.1-220 et seq.) of this title (including the cents per gallon tax on diesel fuel imposed under § 58.1-2288.1) that was in effect for the applicable quarterly reporting period, plus (ii) an

additional three and one-half cents per gallon calculated on the amount of motor fuel, diesel fuel or liquefied gases (which would not exist as liquids at a temperature of sixty degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.

The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed on a motor carrier by any other provision of law.

B. In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles that are not registered under the International Registration Plan shall pay a fee of ~~\$100~~ \$150 per year for each qualified highway vehicle. The fee is due and payable when the vehicle registration fees are paid pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.

If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the registration fee paid is authorized by law.

C. All taxes and fees paid under the provisions of this chapter shall be credited to the Highway Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

§ 58.1-2706. Credit for payment of motor fuel, diesel fuel or liquefied gases tax.

A. Every motor carrier subject to the road tax shall be entitled to a credit on such tax *on a per-gallon basis equivalent to sixteen cents per gallon the cents per gallon tax on diesel fuel imposed under Chapter 22 (§ 58.1-2200 et seq.) of this title (including the cents per gallon tax on diesel fuel imposed under § 58.1-2288.1) that was in effect for the applicable quarterly reporting period* on all motor fuel, diesel fuel and liquefied gases purchased by such carrier within the Commonwealth for use in its operations either within or without the Commonwealth and upon which the motor fuel, diesel fuel or liquefied gases tax imposed by the laws of the Commonwealth has been paid by such carrier. Evidence of the payment of such tax in such form as may be required by, or is satisfactory to, the Department shall be furnished by each carrier claiming the credit herein allowed.

B. When the amount of the credit to which any motor carrier is entitled for any quarter exceeds the amount of the tax for which such carrier is liable for the same quarter, the excess may: (i) be allowed as a credit on the tax for which such carrier would be otherwise liable for any of the eight succeeding quarters or (ii) be refunded, upon application, duly verified and presented and supported by such evidence as may be satisfactory to the Department.

C. The Department may allow a refund upon receipt of proper application and review. It shall be at the discretion of the Department to determine whether an audit is required.

D. The refund may be allowed without a formal hearing if the amount of refund is agreed to by the applicant. Otherwise, a formal hearing on the application shall be held by the Department after notice of not less than ten days to the applicant and the Attorney General.

E. Whenever any refund is ordered it shall be paid out of the Highway Maintenance and Construction Fund.

F. Whenever a person operating under lease to a motor carrier to perform transport services on behalf of the carrier purchases motor fuel, diesel fuel or liquefied gases relating to such services, such payments or purchases may, at the discretion of the Department, be considered payment or purchases by the carrier.

§ 58.1-3825.1. *Additional transient occupancy tax in certain counties and cities in Northern Virginia.*

In addition to such transient occupancy taxes as are authorized by this chapter, the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park may impose an additional transient occupancy tax at the rate of 2% of the amount of charge for the occupancy of any room or space occupied, provided that the governing body of the city or county transfers the revenues collected from such tax to the Northern Virginia Transportation Authority established under § 15.2-4830 as soon as practical. The Authority shall use such funds solely for the purposes provided in § 15.2-4838.1.

No locality imposing the tax pursuant to this section shall cease to impose such tax so long as the Northern Virginia Transportation Authority (i) is currently engaged in a transportation project within the boundaries of the locality, or that benefits the locality, (ii) has entered into a binding commitment to begin a transportation project within the boundaries of the locality, or that benefits the locality, or (iii) has issued bonds or incurred other evidence of debt that has not been satisfied or paid in full and that relates to a transportation project undertaken by the Authority within the boundaries of the locality, or that benefits the locality.

2. That the Commonwealth Transportation Board is authorized to issue bonds to fund transportation projects throughout the Commonwealth as follows:

§ 1. *Title. This act shall be known and may be cited as the "Commonwealth Transportation Priority Projects Bond Act of 2007."*

§ 2. *The Commonwealth Transportation Board is hereby authorized, by and with the consent of the*

2636 Governor, to issue, pursuant to the provisions of the State Revenue Bond Act (§ 33.1-267 et seq. of the
2637 Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be
2638 designated "Commonwealth of Virginia Transportation Priority Projects Bonds, Series .." at one or more
2639 times in an aggregate principal amount not to exceed \$2,000,000,000, after all costs; provided that the
2640 aggregate principal amount issued in any one fiscal year shall not exceed \$250,000,000, excluding any
2641 refunding bonds. If, the aggregate principal amount issued in any fiscal year is less than \$250,000,000,
2642 then the amount by which such issuance is less than \$250,000,000 may be issued in a subsequent fiscal
2643 year in addition to the \$250,000,000 authorized in the subsequent fiscal year. The issuance of any
2644 Bonds under this Act is subject to the provisions of subsection C of § 33.1-23.03:8 of the Code of
2645 Virginia.

2646 § 3. The net proceeds of the Bonds shall be used exclusively for the purpose of providing funds for
2647 paying the costs incurred or to be incurred for construction or funding of priority transportation
2648 projects, excluding maintenance projects, as determined by the Commonwealth Transportation Board,
2649 provided that the Board shall use the net proceeds first pursuant to the provisions of § 33.1-23.1:2 of
2650 the Code of Virginia. Costs incurred or to be incurred for construction or funding of priority
2651 transportation projects shall include, but is not limited to, environmental and engineering studies,
2652 rights-of-way acquisition, improvements to all modes of transportation, acquisition, construction and
2653 related improvements, and any financing costs and other financing expenses. Such costs may include the
2654 payment of interest on the Bonds for a period during construction and not exceeding one year after
2655 completion of construction of the projects.

2656 § 4. The proceeds of the Bonds, including any premium received on the sale thereof, shall be made
2657 available by the Commonwealth Transportation Board to pay costs of the projects and, where
2658 appropriate, may be paid to any authority, locality, commission, or other entity for the purposes of
2659 paying for costs of the projects. The proceeds of the Bonds may be used together with any federal,
2660 local, or private funds that may be made available for such purpose. The proceeds of the Bonds,
2661 together with any investment earnings thereon, may, at the discretion of the Commonwealth
2662 Transportation Board, secure the payment of principal or purchase price of and redemption premium, if
2663 any, and interest on the Bonds.

2664 § 5. The terms and structure of each issue of the Bonds shall be determined by the Commonwealth
2665 Transportation Board, subject to approval by the Treasury Board in accordance with § 2.2-2416 of the
2666 Code of Virginia, as amended. The Bonds of each issue shall be dated; shall be issued in a principal
2667 amount (subject to the limitations set forth in § 2 and in subsection C of § 33.1-23.03:8 of the Code of
2668 Virginia); shall bear interest at such rate or rates, which may be fixed, adjustable, variable or a
2669 combination thereof and may be determined by a formula or other method; shall mature at such time or
2670 times not exceeding 20 years after the issuance thereof; and may be made subject to purchase or
2671 redemption before their maturity or maturities, at such price or prices and under such terms and
2672 conditions, all as may be determined by the Commonwealth Transportation Board. The Commonwealth
2673 Transportation Board shall determine the form of the Bonds, whether the Bonds are certificated or
2674 uncertificated, and fix the authorized denomination or denominations of the Bonds and the place or
2675 places of payment of principal or purchase price of, and redemption premium, if any, and interest on
2676 the Bonds, which may be at the office of the State Treasurer or any bank or trust company within or
2677 without the Commonwealth. The principal or purchase price of, and redemption premium, if any, and
2678 interest on the Bonds shall be made payable in lawful money of the United States of America. Each
2679 issue of the Bonds may be issued under a system of book entry for recording the ownership and transfer
2680 of ownership of rights to receive payments of principal or purchase price of and redemption premium, if
2681 any, and interest on such Bonds. All Bonds shall have and are hereby declared to have, as between
2682 successive holders, all of the qualities and incidents of negotiable instruments under the negotiable
2683 instruments law of the Commonwealth.

2684 The Commonwealth Transportation Board may sell the Bonds from time to time at public or private
2685 sale, by competitive bidding, negotiated sale, or private placement, for such price or prices as it may
2686 determine to be in the best interests of the Commonwealth.

2687 § 6. The Bonds shall be signed on behalf of the Commonwealth Transportation Board by the
2688 chairman or vice-chairman of the Commonwealth Transportation Board, or shall bear the facsimile
2689 signature of such officer, and shall bear the official seal of the Board, which shall be attested to by the
2690 manual or facsimile signature of the secretary or assistant secretary of the Commonwealth
2691 Transportation Board. In the event that the Bonds shall bear the facsimile signature of the chairman or
2692 vice-chairman of the Commonwealth Transportation Board, such Bonds shall be signed by such
2693 administrative assistant as the chairman of the Transportation Board shall determine or by any
2694 registrar/paying agent who may be designated by the Commonwealth Transportation Board. In case any
2695 officer whose signature or a facsimile of whose signature appears on any Bonds shall cease to be such
2696 officer before the delivery of such Bonds, such signature or facsimile signature nevertheless shall be
2697 valid and sufficient for all purposes as if such officer had remained in office until such delivery.

§ 7. All expenses incurred under this Act or in connection with the issuance of the Bonds shall be paid from the proceeds of such Bonds or from any available funds as the Commonwealth Transportation Board shall determine.

§ 8. The Commonwealth Transportation Board is hereby authorized to borrow money at such rate or rates through the execution and issuance of the Bonds for the same, but only in the following circumstances and under the following conditions:

a. In anticipation of the sale of the Bonds, the issuance of which shall have been authorized by the Commonwealth Transportation Board and shall have been approved by the Governor, if the Commonwealth Transportation Board shall deem it advisable to postpone the issuance of such Bonds; or

b. For the renewal of any anticipation notes herein authorized.

§ 9. The proceeds of the Bonds and of any anticipation notes herein authorized (except the proceeds of the Bonds the issuance of which has been anticipated by such anticipation notes) shall be placed by the State Treasurer in a special fund in the state treasury, or may be placed with a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended, and shall be disbursed only for the purpose for which such Bonds and such anticipation notes shall be issued; provided, however, that proceeds derived from the sale of the Bonds herein authorized shall be first used in the payment of any anticipation notes that may have been issued in anticipation of the sale of such Bonds and any renewals of such Bonds. The proceeds of the Bonds and of any anticipation notes herein authorized, together with any investment earnings thereon, shall not be taken into account in computing, and shall be in addition to funds allocated pursuant to the allocation formulas set forth under Title 33.1 of the Code of Virginia, as amended.

§ 10. The Commonwealth Transportation Board is hereby authorized to receive any other funds that may be made available to pay costs of the projects and, subject to appropriation, to make available the same to the payment of the principal or purchase price of, and redemption premium, if any, and interest on the Bonds authorized hereby and to enter into the appropriate agreements to allow for those funds to be paid into the state treasury, or to a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended, to pay a part of the costs of the projects or to pay principal or purchase price of, and redemption premium, if any, and interest on the Bonds.

§ 11. The Commonwealth Transportation Board, in connection with the issuance of the Bonds, shall establish a fund in accordance with § 33.1-286 of the Code of Virginia, as amended, either in the state treasury or with a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended, which shall secure and be used for the payment of the Bonds to the credit of which there shall be deposited such amounts, appropriated therefor by the General Assembly, as are required to pay principal or purchase price of, and redemption premium, if any, and interest on the Bonds, as and when due and payable, (i) first from revenues in the Priority Transportation Fund pursuant to § 33.1-23.03:8 of the Code of Virginia; (ii) then, at the discretion of the Commonwealth Transportation Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that may be designated by the General Assembly for such purpose.

§ 12. Bond proceeds and moneys in any reserve funds and sinking funds in respect of the Bonds shall be invested by the State Treasurer in accordance with the provisions of general law relating to the investment of such funds belonging to or in the control of the Commonwealth, or by a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended.

§ 13. The interest income from and any profit made on the sale of the obligations issued under the provisions of this Act shall at all times be free and exempt from taxation by the Commonwealth and by any municipality, county, or other political subdivision thereof.

§ 14. All obligations issued under the provisions of this Act are hereby made securities in which all persons and entities listed in § 33.1-280 of the Code of Virginia, as amended, may properly and legally invest funds under their control.

3. That (i) the Hampton Roads Transportation Authority (§ 33.1-391.6 et seq. of the Code of Virginia) and (ii) the fees and taxes set forth under §§ 58.1-605.2, 58.1-606.2, 58.1-802.1, and 58.1-2402.2 of the Code of Virginia are conditional upon the following: (a) at least six of the governing bodies of the localities set forth in subsection A of § 58.1-605.2 each pass a duly adopted ordinance on or before September 1, 2007, that indicates the local governing body is joining the Hampton Roads Transportation Authority and that designates the member of the local governing body who shall serve on the Authority upon its creation, and (b) each such ordinance also adopts and imposes, effective January 1, 2008, all of the taxes and fees set forth under §§ 58.1-605.2, 58.1-606.2, 58.1-802.1, and 58.1-2402.2. Each locality passing such ordinance by September 1, 2007, shall provide a copy of the ordinance to the Clerk of the House of Delegates and the Clerk of the Senate as soon as practicable.

If the conditions in clauses (a) and (b) of the first sentence of this enactment have been

2759 met, the Hampton Roads Transportation Authority shall become effective on January 1, 2008.

2760 4. That, if the Hampton Roads Transportation Authority becomes effective January 1, 2008,
2761 pursuant to the third enactment of this act, the Authority shall also develop as part of a
2762 long-range transportation plan performance measures for Hampton Roads relating to, but not
2763 limited to, transportation congestion reduction, transit and high-occupancy vehicle (HOV) usage,
2764 job/housing ratios, job and housing access to transit and pedestrian facilities, air quality, and
2765 per-capita vehicle miles traveled.

2766 5. That the revenues generated by or distributed pursuant to the provisions of this act shall not be
2767 used to calculate or reduce the share of local, federal, and state revenues otherwise available to
2768 participating jurisdictions. Further, such revenues and moneys shall not be included in any
2769 computation of, or formula for, a locality's ability to pay for public education, upon which
2770 appropriations of state revenues to local governments for public education are determined.

2771 6. That each county or city that imposes taxes or fees pursuant to §§ 46.2-755.1, 58.1-605.1,
2772 58.1-606.1, 58.1-2402.1, or 58.1-3825.1 of the Code of Virginia shall for each fiscal year in which it
2773 imposes such taxes or fees expend or disburse for transportation purposes an amount (computed
2774 without regard to any revenues generated in the fiscal year from such taxes or fees) that is at least
2775 equal to the total amount expended or disbursed for transportation purposes by the county or city
2776 in its fiscal year that began in calendar year 2006.

2777 7. That each county or city that imposes the fees and taxes authorized by §§ 58.1-605.2, 58.1-606.2,
2778 58.1-802.1, and 58.1-2402.2 of the Code of Virginia shall for each fiscal year in which it imposes
2779 such fees and taxes expend or disburse for transportation purposes an amount (computed without
2780 regard to any revenues generated in the fiscal year from such fees and taxes) that is at least equal
2781 to the total amount expended or disbursed for transportation purposes by the county or city in its
2782 fiscal year that began in calendar year 2006.

2783 8. That the period October 1, 2007, through March 31, 2008, shall be the base period used by the
2784 Commissioner of the Department of Motor Vehicles for purposes of determining the additional
2785 cents per gallon taxes to be imposed beginning July 1, 2008, pursuant to Article 8.1 (§ 58.1-2288.1)
2786 of Chapter 22 of Title 58.1 of the Code of Virginia. In addition, the Commissioner shall
2787 periodically publish the rates of taxes on fuels taxable under Chapter 22. For purposes of
2788 distributing 20% of the revenues from such additional tax beginning July 1, 2008, to counties and
2789 cities pursuant to subdivision F 1 of § 58.1-2289 of the Code of Virginia, the Commissioner shall in
2790 the month of January 2008 determine the number of motor vehicles then registered in each county
2791 and city of the Commonwealth. The Commissioner shall develop and issue guidelines no later than
2792 January 1, 2008, for purposes of developing processes and procedures relating to the
2793 implementation of the additional tax imposed under § 58.1-2288.1. The development and issuance
2794 of the guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000
2795 et seq. of the Code of Virginia).

2796 9. That beginning with the Commonwealth's fiscal year starting on July 1, 2008, \$66.1 million each
2797 fiscal year is appropriated and shall be transferred each fiscal year from the general fund and
2798 deposited into the Highway Maintenance and Operating Fund.

2799 10. That \$161 million is appropriated and shall be transferred in the Commonwealth's fiscal year
2800 starting on July 1, 2007, from the general fund to the Priority Transportation Fund established
2801 under § 33.1-23.03:8 of the Code of Virginia. Notwithstanding any other provision of
2802 § 33.1-23.03:8, such amount shall be used solely for debt service payments on bonds or other
2803 obligations issued, or entered into, by the Commonwealth Transportation Board for which the
2804 Fund is explicitly required for making the related debt service payments.

2805 11. That the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly
2806 of 2000 are repealed.