

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-752 of the Code of Virginia, relating to taxes and license fees*
3 *imposed by counties, cities, and towns.*

4 [H 254]
5 Approved

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

7 **1. That § 46.2-752 of the Code of Virginia is amended and reenacted as follows:**

8 § 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts;
9 disposition of revenues; requiring evidence of payment of personal property taxes and certain fines;
10 prohibiting display of licenses after expiration; failure to display valid local license required by other
11 localities; penalty.

12 A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and
13 charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and
14 license fees shall be assessed or charged by any county on vehicles owned by residents of any town
15 located in the county when such town constitutes a separate school district if the vehicles are already
16 subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the
17 town, previously a resident of a county within which all or part of the town is situated, who has
18 previously paid a license fee for the same tax year to such county. The amount of the license fee or tax
19 imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater
20 than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or
21 semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods,
22 and subject to proration for fractional periods of years, as the proper local authorities may determine.
23 Local licenses may be issued free of charge for any or all of the following:

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

26 2. Vehicles owned by volunteer rescue squads,

27 3. Vehicles owned by volunteer fire departments,

28 4. Vehicles owned or leased by active members or active auxiliary members of volunteer rescue
29 squads,

30 5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire
31 departments,

32 6. Vehicles owned or leased by auxiliary police officers,

33 7. Vehicles owned or leased by volunteer police chaplains,

34 8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under
35 § 46.2-739,

36 9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,

37 10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,

38 11. Vehicles owned by any of the following who served at least 10 years in the locality: former
39 members of volunteer rescue squads, former members of volunteer fire departments, former auxiliary
40 police officers, former volunteer police chaplains, and former volunteer special police officers appointed
41 under § 15.2-1737. In the case of active members of volunteer rescue squads and volunteer fire
42 departments, applications for such licenses shall be accompanied by written evidence, in a form
43 acceptable to the locality, of their active membership, and no member shall be issued more than one
44 such license free of charge,

45 12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,

46 13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more
47 than one such license free of charge,

48 14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than
49 one such license free of charge,

50 15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police
51 shall be issued more than one such license free of charge,

52 16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued
53 more than one such license free of charge, or

54 17. Vehicles owned or leased by salaried emergency medical technicians; however no salaried
55 emergency medical technician shall be issued more than one such license free of charge, or

56 18. *Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated*

57 *by the Commonwealth.*

58 The governing body of any county, city, or town issuing licenses under this section may by
59 ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license
60 issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount,
61 however, shall be available for more than one vehicle owned or leased by the same person.

62 The governing body of any county, city, or town issuing licenses free of charge under this subsection
63 may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an
64 otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who
65 has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for
66 such limitation, restriction, or denial.

67 The situs for the imposition of licensing fees under this section shall in all cases, except as
68 hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is
69 normally garaged, stored, or parked. If it cannot be determined where the personal property is normally
70 garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the
71 motor vehicle is a full-time student attending an institution of higher education, the situs shall be the
72 domicile of such student, provided the student has presented sufficient evidence that he has paid a
73 personal property tax on the motor vehicle in his domicile.

74 B. The revenue derived from all county, city, or town taxes and license fees imposed on motor
75 vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

76 C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally
77 licensed until the applicant has produced satisfactory evidence that all personal property taxes on the
78 motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any
79 delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which
80 have been properly assessed or are assessable against the applicant by the county, city, or town. A
81 county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible
82 personal property taxes properly assessed or assessable by that locality on any tangible personal property
83 used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer
84 have been paid. Any county and any town within any such county may by agreement require that all
85 personal property taxes assessed by either the county or the town on any vehicle be paid before
86 licensure of such vehicle by either the county or the town.

87 C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public
88 notice and hearing and, with the consent of the treasurer, require that no license may be issued under
89 this section unless the applicant has produced satisfactory evidence that all fees, including delinquent
90 fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to
91 the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have
92 been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county
93 for waste disposal services described herein, shall be paid to the treasurer of such county; however, in
94 Wise County, the fee shall be paid to the county or its agent.

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

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

110 F. Notwithstanding the provisions of subsection E of this section, in a consolidated county wherein a
111 tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of
112 consolidation, impose license fees and taxes under this section in addition to those fees and taxes
113 imposed by the county, provided that the combined county and tier-city rates do not exceed the
114 maximum provided in subsection A of this section. No credit shall be allowed on the fees or taxes
115 imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the
116 consolidation agreement or plan. The governing body of any county and the governing body of any
117 tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement

118 that no more than one license plate or decal in addition to the state license plate shall be required.

119 G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or
120 operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such
121 ordinance, to display the local license required by any ordinance of the county, city or town in which
122 the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local
123 license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that
124 a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4
125 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such
126 vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses,
127 parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that
128 a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of
129 a fine except upon presentation of satisfactory evidence that the required license has been obtained.
130 Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other
131 tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or
132 town's ordinance does not require display of a decal or other evidence of payment. No ordinance
133 adopted pursuant to this section shall require the display of any local license, decal, or sticker on any
134 vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500
135 vehicles garaged in the Commonwealth.

136 H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the
137 provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a
138 local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and
139 garages his vehicle in another county, city, or town shall be required to purchase another local license,
140 decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now
141 garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town
142 from which he moved.

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

146 J. Beginning October 1, 1992, the treasurer or director of finance of any county, city, or town may
147 enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew
148 any vehicle registration of any applicant therefor who owes to such county, city or town any local
149 vehicle license fees or delinquent tangible personal property tax or parking citations issued only to
150 residents of such county, city, or town. Before being issued any vehicle registration or renewal of such
151 license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license
152 fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that
153 all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. The
154 Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the
155 treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of
156 the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect
157 delinquent taxes or parking citations through the withholding of registration or renewal thereof by the
158 Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided
159 for in his agreement with the Commissioner and supply to the Commissioner information necessary to
160 identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to
161 the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of
162 registration at least 30 days prior to the expiration date of a current vehicle registration. For the
163 purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the
164 records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking
165 violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant
166 therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of
167 this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor
168 vehicles.

169 K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for
170 the regional enforcement of local motor vehicle license requirements. The governing body of each
171 participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer,
172 or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that
173 is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of
174 situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide
175 that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced
176 satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be
177 licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or
178 semitrailer personal property taxes that have been properly assessed or are assessable by any

179 participating jurisdiction against the applicant have been paid. Any city and any county having the urban
180 county executive form of government, the counties adjacent to such county and towns within them may
181 require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other
182 jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the
183 vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have
184 been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty
185 for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a
186 violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine
187 except upon presentation of satisfactory evidence that the required license has been obtained. The
188 provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of
189 renting motor vehicles.

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