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HOUSE BILL NO. 6031

Offered June 23, 2008

A BILL to amend and reenact §§ 46.2-694, as it shall become effective and as it may become effective, 46.2-697, as it is currently effective and as it may become effective, 46.2-1128, 46.2-1141, 46.2-1142, 46.2-1142.1, 46.2-1143, as it shall become effective, 46.2-1143.1, 46.2-1144, 46.2-1144.1, as it shall become effective, 46.2-1147, 46.2-1149, 46.2-1149.1, and 46.2-1149.4, of the Code of Virginia, and the second enactment of Chapter 738 of the Acts of Assembly of 2007 as amended by Chapter 864 of the Acts of Assembly of 2008; to amend the Code of Virginia by adding a section numbered 46.2-1139.2; and to repeal § 46.2-1149.3 of the Code of Virginia and the third enactment of Chapter 738 of the Acts of Assembly of 2007, relating to vehicle overweight and overload fees.

Patron—Marshall, R.G.

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-694, as it shall become effective and as it may become effective, 46.2-697, as it is currently effective and as it may become effective, 46.2-1128, 46.2-1141, 46.2-1142, 46.2-1142.1, 46.2-1143, as it shall become effective, 46.2-1143.1, 46.2-1144, 46.2-1144.1, as it shall become effective, 46.2-1147, 46.2-1149, 46.2-1149.1, and 46.2-1149.4 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 46.2-1139.2 as follows:

§ 46.2-694. (Contingent expiration date - see Editor's note) 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. 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. 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 if the vehicle weighs 4,000 pounds or less or \$28 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 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

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

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

7. Thirteen dollars plus \$ 0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$ 0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles

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HB6031

59 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
60 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
61 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
62 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
63 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
64 representatives of the Commissioner at the end of such license year, the expense of such audit to be
65 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
66 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less
67 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
68 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
69 in determining the apportionment provided for herein.

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

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

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

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

83 12. Thirteen dollars plus \$ 0.70 per 100 pounds or major fraction thereof for other passenger-carrying
84 vehicles.

85 13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of
86 each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection.
87 All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside
88 as a special fund to be used only for emergency medical service purposes. The moneys in the special
89 emergency medical services fund shall be distributed as follows:

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

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

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

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

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

111 All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the
112 General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for
113 the costs associated with the certification and recertification training of emergency medical services
114 personnel.

115 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these
116 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall
117 be in addition to any local appropriations and local governing bodies shall not use these funds to
118 supplant local funds. Each local governing body shall report annually to the Board of Health on the use
119 of the funds returned to it pursuant to this section. In any case in which the local governing body grants
120 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.

E. The fees imposed pursuant to this section shall be in addition to any overload or overweight permit fees required for such vehicle pursuant to §§ 46.2-1128 and 46.2-1139.2.

§ 46.2-694. (Contingent effective date - see Editor's note) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

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

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 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 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 if the vehicle weighs 4,000 pounds or less or \$28 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 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

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

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

7. Thirteen dollars plus \$ 0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$ 0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less

than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

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

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

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

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

12. Thirteen dollars plus \$ 0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

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

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

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

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.

E. The fees imposed pursuant to this section shall be in addition to any overload or overweight permit fees required for such vehicle pursuant to §§ 46.2-1128 and 46.2-1139.2.

§ 46.2-697. (Contingent expiration date - see Editor's note) 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 \$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 \$33 if its gross weight is 4,000 pounds or less, and \$38 if its gross weight is 4,001 pounds through 6,500 pounds. The fee shall be \$39 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
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10,001 - 11,000	\$3.17	\$4.75
11,001 - 12,000	3.42	4.90
12,001 - 13,000	3.66	5.15
13,001 - 14,000	3.90	5.40
14,001 - 15,000	4.15	5.65
15,001 - 16,000	4.39	5.90
16,001 - 17,000	4.88	6.15
17,001 - 18,000	5.37	6.40
18,001 - 19,000	5.86	7.50
19,001 - 20,000	6.34	7.70
20,001 - 21,000	6.83	7.90
21,001 - 22,000	7.32	8.10
22,001 - 23,000	7.81	8.30
23,001 - 24,000	8.30	8.50
24,001 - 25,000	8.42	8.70
25,001 - 26,000	8.48	8.90
26,001 - 27,000	10.07	10.35
27,001 - 28,000	10.13	10.55
28,001 - 29,000	10.18	10.75
29,001 - 40,000	10.31	10.95
40,001 - 45,000	10.43	11.15
45,001 - 50,000	10.68	11.25
50,001 - 55,000	11.29	13.25
55,001 - 76,000	13.73	15.25
76,001 - 80,000	16.17	16.25

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

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

C. When an owner elects to register and license a motor vehicle under subsection B of this section,

the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

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

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

F. The fees imposed pursuant to this section shall be in addition to any overload or overweight permit fees required for such vehicle pursuant to §§ 46.2-1128 and 46.2-1139.2.

§ 46.2-697. (Contingent effective date - see Editor's note) 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 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 dollars if its gross weight is 4,000 pounds or less, and twenty-eight dollars if its gross weight is 4,001 pounds through 6,500 pounds. The fee shall be twenty-nine 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 Groups (pounds)	Private Carriers	For Rent or For Hire Carriers
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10,001 - 11,000	\$2.60	\$4.75
11,001 - 12,000	2.80	4.90
12,001 - 13,000	3.00	5.15
13,001 - 14,000	3.20	5.40
14,001 - 15,000	3.40	5.65
15,001 - 16,000	3.60	5.90
16,001 - 17,000	4.00	6.15
17,001 - 18,000	4.40	6.40
18,001 - 19,000	4.80	7.50
19,001 - 20,000	5.20	7.70
20,001 - 21,000	5.60	7.90
21,001 - 22,000	6.00	8.10
22,001 - 23,000	6.40	8.30
23,001 - 24,000	6.80	8.50
24,001 - 25,000	6.90	8.70
25,001 - 26,000	6.95	8.90
26,001 - 27,000	8.25	10.35
27,001 - 28,000	8.30	10.55
28,001 - 29,000	8.35	10.75
29,001 - 40,000	8.45	10.95
40,001 - 45,000	8.55	11.15
45,001 - 50,000	8.75	11.25
50,001 - 55,000	9.25	13.25
55,001 - 76,000	11.25	15.25
76,001 - 80,000	13.25	16.25

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

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

C. When an owner elects to register and license a motor vehicle under subsection B of this section,

the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

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

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

F. *The fees imposed pursuant to this section shall be in addition to any overload or overweight permit fees required for such vehicle pursuant to §§ 46.2-1128 and 46.2-1139.2.*

§ 46.2-1128. Extensions of weight limits; fees.

The owner of any motor vehicle may obtain an extension of single axle, tandem axle, and gross weight set forth in this article by purchasing an overload permit for such vehicle. *The overload permit fees shall be based on a fee schedule established by the Commonwealth Transportation Board in consultation with the Commissioner and the Commonwealth Transportation Commissioner, and calculated based on the added highway maintenance costs associated with the increased overload axle weights and overload miles traveled on the public highways of the Commonwealth by such vehicle as well as the cost of the Department to administer such program. The overload permit fee schedule shall take into account the other taxes and fees paid by such vehicle for highway maintenance.*

The overload permit fee schedule shall be updated every four years to adjust for changes in the producer price index of highway maintenance as determined by the U.S. Bureau of Labor Statistics. Such overload permit fees shall first be used to pay the Department's cost in issuing such overload permits and collecting such overload permit fees, and the remainder shall be dedicated to and deposited into the Highway Maintenance and Operating Fund.

The overload permit fees shall be paid at the time of application for an overload permit by the permit applicant or by any person who signs on behalf of the permit applicant. The mileage used to calculate the overload permit fee shall be based on the number of overload miles traveled by such vehicle on the public highways of the Commonwealth the previous year. The permit applicant shall submit at the time of application documentation certifying the number of overload miles traveled by such vehicle the previous year on the public highway of the Commonwealth. In instances where the permit applicant is unable to provide such documentation, the mileage used to calculate the overload permit fee shall be the average number of overload miles traveled by similar vehicles on the public highways of the Commonwealth as determined by the Commissioner. However, if no other similar vehicles have operated on the public highways of the Commonwealth the Commissioner shall determine the overload mileage used to calculate the overload permit fee.

Any person who with intent to evade or aid another person to evade the permit fees provided for in this section falsely states the overload miles traveled for the previous year on an application for a permit or any other document or paper submitted to the Commissioner pursuant to this section shall be guilty of a Class 3 misdemeanor.

The permit shall extend the single axle weight limit of 20,000 pounds, tandem axle weight limit of 34,000 pounds, and gross weight limit based on axle spacing and number of axles on such vehicle. However, no such permit issued pursuant to this section or § 46.2-1129 shall authorize the operation of a motor vehicle whose gross weight exceeds 84,000 pounds or is more than 5 percent above the vehicle's legal gross weight limit, whichever is less, nor shall any such permit authorize any extension of the limitations provided in § 46.2-1127 for interstate highways.

Permits under this section shall be valid for one year and shall be issued according to the following fee schedule from the date of issuance.

Percentage	Fee for Permit
1%	\$ 35
2%	75
3%	115
4%	160
5%	200.

The Commissioner shall make the permit available to vehicles registered outside the Commonwealth under the same conditions and restrictions which are applicable to vehicles registered within the Commonwealth. The Commissioner may promulgate regulations governing such permits. Except as provided in this section and § 46.2-1129, no weights in excess of those authorized by law shall be tolerated.

Vehicles that are registered as farm use vehicles as provided in § 46.2-698 may operate as authorized under this section without a permit or the payment of any fee; provided, however, that should such vehicle violate the weight limits permitted by this section and § 46.2-1129, such vehicle shall be required to apply for and receive a permit and pay the permit fee to operate as authorized in this section.

423 § 46.2-1139.2. *Permits for excessive weight generally; fees.*

424 *Permits issued in accordance with this article shall be assessed overweight permit fees, except that*
425 *no overweight permit fees shall apply to permits issued in accordance with subsections A and I of*
426 *§ 46.2-1143, and § 46.2-1145. The Commonwealth Transportation Board in consultation with the*
427 *Commissioner and the Commonwealth Transportation Commissioner, shall establish an overweight*
428 *permit fee schedule for overweight vehicles specified in Article 18 (§ 46.2-1139 et seq.) of this chapter.*
429 *The overweight permit fee schedule shall be calculated based on the added highway maintenance costs*
430 *associated with the increased axle weight and the overweight miles traveled by such vehicle on public*
431 *highways of the Commonwealth and the cost of the Department to administer such program. The*
432 *overload permit fee schedule shall take into account the other taxes and fees paid by such vehicle for*
433 *highway maintenance.*

434 *The overweight permit fee schedule shall be updated every four years to adjust for changes in the*
435 *producer price index of highway maintenance as determined by the U.S. Bureau of Labor Statistics.*
436 *Such overweight permit fees shall first be used to pay the Department's cost in issuing such overweight*
437 *permits and collecting such overweight permit fees, and the remainder shall be dedicated to and*
438 *deposited into the Highway Maintenance and Operating Fund.*

439 *The overweight permit fees shall be paid at the time of application for an overweight permit by the*
440 *permit applicant, or any person who signs on behalf of the permit applicant. The mileage used to*
441 *calculate the overweight permit fee shall be based on the number of overweight miles traveled by such*
442 *vehicle on the public highways of the Commonwealth the previous year. The permit applicant shall*
443 *submit at the time of application documentation certifying the number of overweight miles traveled by*
444 *such vehicle the previous year on the public highways of the Commonwealth. In instances where the*
445 *permit applicant is unable to provide such documentation, the mileage used to calculate the overweight*
446 *permit fee shall be the average number of overweight miles traveled by similar vehicles on the public*
447 *highways of the Commonwealth as determined by the Commissioner. However, if no other similar*
448 *vehicles have operated on the public highways of the Commonwealth the Commissioner shall determine*
449 *the overweight mileage used calculate the overweight permit fee.*

450 *Any person who with intent to evade or to aid another person to evade the permit fees provided for*
451 *herein, falsely states the vehicle miles traveled for the previous year on an application for a permit or*
452 *any other document or paper submitted to the Commissioner pursuant to this section, shall be guilty of*
453 *a Class 3 misdemeanor.*

454 § 46.2-1141. *Overweight permits for containerized freight.*

455 *Permits to operate on the highways a vehicle exceeding the maximum weight specified in this title*
456 *shall be granted without costs to the owner or operator upon written application and payment of permit*
457 *fees as established by the Commonwealth Transportation Board pursuant to § 46.2-1139.2 if the vehicle*
458 *is hauling containerized cargo in a sealed, seagoing container bound to or from a seaport and has been*
459 *or will be transported by marine shipment. In order to qualify for such a permit the contents of such*
460 *seagoing container shall not be changed from the time it is loaded by the consignor or his agents to the*
461 *time it is delivered to the consignee or his agents. Cargo moving in vehicles conforming to*
462 *specifications shown in this section shall be considered irreducible and eligible for permits under*
463 *regulations of the Commissioner.*

464 § 46.2-1142. *Overweight permits for concrete haulers.*

465 *The Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon*
466 *written application and payment of permit fees as established by the Commonwealth Transportation*
467 *Board pursuant to § 46.2-1139.2 made by the owner or operator, shall issue overweight permits for*
468 *operation of certain vehicles used to haul concrete. Permits under this section shall be issued only for*
469 *vehicles that are used exclusively for the mixing of concrete in transit or at a project site or for*
470 *transporting necessary components in a compartmentalized vehicle to produce concrete immediately*
471 *upon arrival at a project site and either have (i) four axles with more than 22 feet between the first and*
472 *last axle of the vehicle or (ii) three axles. Any vehicle operating under a permit issued pursuant to this*
473 *section shall have a gross weight of no more than 60,000 pounds for three-axle vehicles and 70,000*
474 *pounds for four-axle vehicles, a single axle weight of no more than 20,000 pounds, tandem axle weight*
475 *of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds, with no*
476 *single axle of such tri-axle grouping exceeding the weight permitted for a single axle. Such permits shall*
477 *be issued without cost. Such permit shall not designate the route to be traversed nor contain restrictions*
478 *or conditions not applicable to other vehicles in their general use of the highways.*

479 *Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be*
480 *operated at a reduced speed. The reduced speed limit is to be 10 miles per hour slower than the legal*
481 *speed limit in 55, 45, and 35 miles per hour speed limit zones.*

482 § 46.2-1142.1. *Extensions of overweight limits authorized under § 46.2-1142 for vehicles used to haul*
483 *concrete; fees.*

484 *Owners or operators of vehicles used exclusively to haul concrete may apply for permits to extend*

the single axle weight limit of 20,000 pounds, the tandem axle weight limit of 40,000 pounds, the four axle weight of 70,000 pounds, the tri-axle grouping weight of 50,000 pounds, and the three-axle weight of 60,000 pounds provided for in § 46.2-1142; by the percentages and upon payment of the fees set forth in this section:

Percentage	Fee for Permit
1%	\$35
2	75
3	115
4	160
5	200.

Permits issued under this section shall be valid for one year from the date of issuance. No permit issued under this section shall authorize violation of any weight limitation, promulgated and posted in accordance with § 46.2-1130, applicable to bridges or culverts. Permits issued under this section shall authorize extensions of the limitation provided for in § 46.2-1128 for vehicles operating on interstate highways only to the extent that any such extension (i) is not inconsistent with federal law and (ii) will not jeopardize or require the withholding or reduction of federal transportation funding otherwise available to the Commonwealth or any of its political subdivisions.

The Commissioner shall make the permit available to vehicles registered outside the Commonwealth under the same conditions and restrictions which are applicable to vehicles registered within the Commonwealth. The Commissioner may promulgate regulations governing such permits. Except as provided in this section and § 46.2-1142, no weights in excess of those authorized by law shall be tolerated.

§ 46.2-1143. Overweight permits for coal haulers; trucks hauling gravel, sand, crushed stone, or liquids produced from gas or oil wells in certain counties; penalties.

A. The Commissioner and local authorities of cities and towns in their respective jurisdictions, upon written application by the owner or operator of vehicles used exclusively for hauling coal from a mine or other place of production to a preparation plant, loading dock, or railroad shall issue, without cost, a permit authorizing those vehicles to operate with gross weights in excess of those established in § 46.2-1126 on the conditions set forth in this section.

B. Vehicles with three axles may have a maximum gross weight, when loaded, of no more than 60,000 pounds, a single axle weight of not more than 24,000 pounds and a tandem axle weight of no more than 45,000 pounds. Vehicles with four axles may have a maximum gross weight, when loaded, of no more than 70,000 pounds, a single axle weight of no more than 24,000 pounds, and a tri-axle weight of no more than 50,000 pounds. Vehicles with five axles having no less than 35 feet of axle space between extreme axles may have a maximum gross weight, when loaded, of no more than 90,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 40,000 pounds. Vehicles with six axles may have a maximum gross weight, when loaded, of no more than 110,000 pounds, a single axle weight of no more than 24,000 pounds, a tandem axle weight of no more than 44,000 pounds, and a tri-axle weight of no more than 54,500 pounds.

C. No load of any vehicle operating under a permit issued according to this section shall rise above the top of the bed of such vehicle, not including extensions of the bed. Three-axle vehicles shall not carry loads in excess of the maximum bed size in cubic feet for such vehicle which shall be computed by a formula of 60,000 pounds minus the weight of the empty truck divided by the average weight of coal. For the purposes of this section, the average weight of coal shall be 52 pounds per cubic foot. Four-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle which shall be computed by a formula of 70,000 pounds minus the weight of the truck empty divided by the average weight of coal. Five-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle, which shall be computed by a formula of 90,000 pounds minus the weight of the truck empty divided by the average weight of coal. Six-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle, which shall be computed by a formula of 110,000 pounds minus the weight of the truck empty divided by the average weight of coal.

D. For the purposes of this section, the term bed shall mean that part of the vehicle used to haul coal. Bed size shall be measured by its interior dimensions with volume expressed in cubic feet. In order to ensure compliance with this section by visual inspection, if the actual bed size of the vehicle exceeds the maximum as provided above, the owner or operator shall be required to paint a horizontal line two inches wide on the sides of the outside of the bed of the vehicle, clearly visible to indicate the uppermost limit of the maximum bed size applicable to the vehicle as provided in this section. In addition, one hole two inches high and six inches long on each side of the bed shall be cut in the center of the bed and at the top of the painted line. Any vehicle in violation of this section shall subject the vehicle's owner or operator or both to a penalty of \$250 for a first offense, \$500 for a second offense within a 12-month period, and \$1,000 and revocation of the permit for a third offense within a

546 12-month period from the first offense.

547 E. If the bed of any vehicle is enlarged beyond the maximum bed size for which its permit was
548 granted, or if the line or holes required are altered so that the vehicle exceeds the bed size for which its
549 permit was granted, the owner, operator, or both shall be subject to a penalty of \$1,000 for each offense
550 and revocation of the permit. Upon revocation, a permit shall not be reissued for six months. The
551 penalties provided in this section shall be in lieu of those imposed under § 46.2-1135.

552 F. For any vehicle with a valid permit issued pursuant to the conditions required by this section,
553 when carrying loads which do not rise above the top of the bed or the line indicating the bed's
554 maximum size, if applicable, it shall be, in the absence of proof to the contrary, prima facie evidence
555 that the load is within the applicable weight limits. If any vehicle is stopped by enforcement officials for
556 carrying a load rising above the top of the bed or the line indicating the bed's maximum size, the
557 operator of the vehicle shall be permitted to shift his load within the bed to determine whether the load
558 can be contained in the bed without rising above its top or above the line.

559 G. No such permit shall be valid for the operation of any such vehicle for a distance of more than
560 85 miles within the Commonwealth of Virginia from the preparation plant, loading dock, or railroad.

561 ~~Until July 1, 2009, in~~ In counties that impose a severance tax on coal and gases as authorized by
562 § 58.1-3712, ~~the Commissioner, upon written application and payment of permit fees as established by~~
563 ~~the Commonwealth Transportation Board pursuant to § 46.2-1139, shall issue a permit authorizing the~~
564 ~~operation on the public highways at the weight limits prescribed in subsection B of this section shall~~
565 ~~also apply to the owner or operator of such trucks hauling gravel, sand, or crushed stone no more than~~
566 50 miles from origin to destination. Nothing contained in this subsection shall authorize any extension of
567 weight limits provided in § 46.2-1127 for operation on interstate highways. Any weight violation hauling
568 sand, gravel, or crushed stone under this subsection shall be subject to the penalties authorized by
569 § 46.2-1135.

570 H. In counties that impose a severance tax on coal and gases as authorized by § 58.1-3712, the
571 weight limits prescribed in subsection B shall also apply to motor vehicles hauling liquids produced
572 from a gas or oil well and water used for drilling and completion of a gas or oil well no more than 50
573 miles from origin to destination. Nothing contained in this subsection shall authorize any extension of
574 weight limits provided in § 46.2-1127 for operation on interstate highways. Any weight violation
575 involving hauling liquids produced from a gas or oil well and water used for drilling and completion of
576 a gas or oil well under this subsection shall be subject to the penalties authorized by § 46.2-1135.

577 § 46.2-1143.1. Overweight permits for haulers of excavated material.

578 The Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon
579 written application made by the owner or operator ~~and payment of permit fees as established by the~~
580 ~~Commonwealth Transportation Board pursuant to § 46.2-1139.2,~~ shall issue overweight permits for
581 operation of certain vehicles hauling excavated material from construction-related land-clearing
582 operations. Permits shall be issued under this section only for vehicles that have either (i) four axles
583 with more than 22 feet between the first and last axle of the vehicle or (ii) three axles. Any vehicle
584 operating under a permit issued pursuant to this section shall have a gross weight of no more than
585 60,000 pounds for three-axle vehicles and 70,000 pounds for four-axle vehicles, a single axle weight of
586 no more than 20,000 pounds, tandem axle weight of no more than 40,000 pounds, and a tri-axle
587 grouping weight of no more than 50,000 pounds, with no single axle of such tri-axle grouping
588 exceeding the weight permitted for a single axle. ~~Such permits shall be issued without cost.~~

589 No permit issued under this section shall authorize the operation of any vehicle hauling excavated
590 material for a distance of more than 25 miles from the land-clearing operation. However, such permit
591 shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other
592 vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of
593 a permit issued under this section, shall be operated at a reduced speed of 10 miles per hour slower than
594 the legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

595 For purposes of this section, the term "excavated material" shall mean natural earth materials, which
596 includes stumps, brush, leaves, soil, and rocks, removed by any mechanized means.

597 § 46.2-1144. Overweight permits for solid waste haulers.

598 The Commissioner, upon written application by the owner or operator of vehicles used exclusively
599 for hauling solid waste other than hazardous waste ~~and payment of permit fees as established by the~~
600 ~~Commonwealth Transportation Board pursuant to § 46.2-1139.2,~~ shall issue ~~without cost~~ a permit
601 authorizing the operation on the highway of such vehicles at gross weights in excess of those set forth
602 in § 46.2-1126.

603 No permit issued under this section shall authorize a single axle weight of more than 20,000 pounds
604 or a tandem axle weight of more than 40,000 pounds. No such permit shall be issued for a total gross
605 weight in excess of 40,000 pounds for a two-axle vehicle, or of more than 60,000 pounds for a
606 three-axle vehicle. Such permit shall be obtained annually at the time the vehicle is registered. The
607 Commissioner shall promulgate regulations governing such permits.

No such permit shall authorize the operation of any vehicle enumerated in this section beyond the boundary of the county or city where it is principally garaged or for a distance of more than 25 miles from the place where it is principally garaged, whichever is greater. However, the permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed of 10 miles per hour slower than the legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

For the purposes of this section, the terms "solid waste" and "hazardous waste" shall have the meanings provided in § 10.1-1400.

§ 46.2-1144.1. Overweight permits for tank wagons.

The Commissioner, upon written application and payment of a fee by the owner of tank wagon vehicles as defined in § 58.1-2201 *and payment of permit fees as established by the Commonwealth Transportation Board pursuant to § 46.2-1139.2*, shall issue overweight permits for operation of said vehicles.

~~The overweight permit fees shall be based on a fee schedule established by the Commonwealth Transportation Commissioner. Such fees shall be dedicated to and deposited into the Highway Maintenance and Operating Fund.~~

~~The Commissioner may also assess a separate application fee for applications pursuant to this section that covers the administrative expenses of the Department. Funds from the application fee are to be designated as specified in § 46.2-1149.3.~~

No permit issued under this section shall authorize a single axle weight of more than 24,000 pounds and a total gross weight in excess of 40,000 pounds. Permits issued under this section shall be valid for one year from the date of issuance. No permit issued under this section shall authorize violation of any weight limitation, promulgated and posted in accordance with § 46.2-1130, applicable to bridges or culverts. This permit shall not be combined with any other overweight permit or extension of weight limits.

§ 46.2-1147. Permits for excessive size and weight for articulated buses.

The Commissioner and local authorities of cities and towns in their respective jurisdictions, upon written application by the owner or operator of passenger buses having three or more axles consisting of two sections joined together by an articulated joint with the trailer being equipped with a mechanically steered rear axle, and having a gross weight of no more than 60,000 pounds, a single axle weight of no more than 25,000 pounds and a width of no more than 102 inches *and payment of permit fees as established by the Commonwealth Transportation Board pursuant to § 46.2-1139.2* shall issue to such owner or operator, ~~without cost,~~ a written permit authorizing the operation of such vehicles on the highways.

§ 46.2-1149. Unladen, oversize and overweight, rubber-tired, self-propelled haulers and loaders; permits; engineering analysis; costs.

The Commissioner and local authorities of cities and towns in their respective jurisdictions, upon written application by the owner or operator of any empty, oversize and overweight, rubber-tired, self-propelled hauler or loader used in the construction and coal mining industries *and payment of permit fees as established by the Commonwealth Transportation Board pursuant to § 46.2-1139.2*, may issue to such owner or operator a permit authorizing operation upon the highways of such equipment with gross empty weights in excess of those established in §§ 46.2-1122 through 46.2-1127 and sizes in excess of those established in §§ 46.2-1105 through 46.2-1108. The permits shall be issued only after an engineering analysis of a proposed routing has been conducted by the Virginia Department of Transportation or local authorities of counties, cities, and towns in their respective jurisdictions to assess the ability of the roadway and bridges to be traversed to sustain the vehicles' size and weight. Costs shall be assessed against the applicant to cover engineering analysis.

No permit issued under this section shall be valid for the operation of the equipment for a distance of more than 35 miles.

§ 46.2-1149.1. Excess tandem axle weight permits for cotton module haulers.

The Commissioner, upon application made by the owner or operator of vehicles used exclusively to transport seed cotton modules *and payment of permit fees as established by the Commonwealth Transportation Board pursuant to § 46.2-1139.2*, shall issue without cost a permit authorizing the operation on the highway of such vehicles, from September 1 through December 31 of each year, at tandem axle weights in excess of that authorized in § 46.2-1125. The Commissioner shall promulgate regulations governing such permits. Such permits shall allow the vehicles to have tandem axle weights of no more than 44,000 pounds. No permit issued under this section shall authorize a single axle weight in excess of that authorized in § 46.2-1124 or a gross weight in excess of 56,000 pounds.

§ 46.2-1149.4. Overweight permits for specialized mobile equipment.

The Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon

669 written application made by the owner or operator *and payment of permit fees as established by the*
670 *Commonwealth Transportation Board pursuant to § 46.2-1139.2*, shall issue without cost an overweight
671 permit for the operation of specialized mobile equipment. Any vehicle operating under a permit issued
672 pursuant to this section shall have a gross weight of no more than 64,000 pounds, a single axle weight
673 of no more than 20,000 pounds, and a tandem axle weight of no more than 44,000 pounds. Such permit
674 shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other
675 vehicles in their general use of the highways.

676 For purposes of this section, "specialized mobile equipment" means a self-propelled motor vehicle
677 manufactured for the specific purpose of supporting well-drilling machinery on the job site and whose
678 movement on any highway is incidental to the purpose for which it was designed and manufactured.

679 **2. That the Virginia Department of Transportation shall review and analyze the impact of**
680 **nonoverloaded and nonoverweight vehicles on highway maintenance needs. Such review and**
681 **analysis shall determine whether the current taxes and fees paid by such vehicles are sufficient to**
682 **recover the costs of highway maintenance. If such review and analysis shows that the current taxes**
683 **and fees paid by such vehicles inadequate, the Department shall determine the additional**
684 **maintenance costs attributable to such vehicles based on weight and axle configuration.**

685 **3. That the second enactment of Chapter 738 of the Acts of Assembly of 2007 as amended by the**
686 **second enactment of Chapter 864 of the Acts of Assembly of 2008 is amended and reenacted as**
687 **follows:**

688 **2. That from July 1, 2007, to June 30, 2008, the annual overweight permit fee shall be \$800 for**
689 **each eligible vehicle. Such vehicles shall pay an annual overweight permit fee of \$265 from July**
690 **1, 2008, to June 30, 2009. *The Beginning July 1, 2009, the annual overweight permit fee shall be***
691 ***based on a fee structure established by the Commonwealth Transportation Board, in consultation***
692 ***with the Commissioner of the Department of Motor Vehicles, shall establish a fee structure that***
693 **shall become effective on July 1, 2009, based on the results of a study of overweight vehicles.**

694 **4. That the fee structure provided for in §§ 46.2-1128 and 46.2-1139.2 of the Code of Virginia**
695 **pursuant to this act shall be subject to the requirements of the Administrative Process Act**
696 **(§ 2.2-4000 et seq. of the Code of Virginia) and shall become effective on January 1, 2010.**

697 **5. That the first enactment of this act shall become effective July 1, 2009.**

698 **6. That § 46.2-1149.3 of the Code of Virginia and the third enactment of Chapter 738 of the Acts**
699 **of Assembly of 2007 are repealed, effective July 1, 2009.**