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SENATE BILL NO. 1027

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend and reenact § 46.2-1157 of the Code of Virginia, relating to vehicle safety inspections; certain trailers and semitrailers exempted.

Patron—Hanger

Referred to Committee on Transportation

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

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

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

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

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

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

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

The provisions of this section shall not apply to any (i) vehicle for transporting well-drilling machinery licensed under § 46.2-700 ~~or to any~~, (ii) antique motor vehicle or antique trailer as defined in § 46.2-100 and licensed pursuant to § 46.2-730, ~~or~~ (iii) ~~any semitrailer or trailer, as defined in § 46.2-100, that has a gross vehicle weight rating of 26,001 pounds or more and is operated in interstate commerce, provided there is on the vehicle and available for inspection by law-enforcement officials documentation that verifies an inspection of the vehicle has been performed pursuant to 49 CFR, Part 396 and is current and valid.~~

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

INTRODUCED

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