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SENATE BILL NO. 1027

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 22, 2009)

(Patron Prior to Substitute—Senator Hanger)

A BILL to amend and reenact § 46.2-1157 of the Code of Virginia, relating to exceptions to safety inspection requirements for certain commercial motor vehicles, trailers, and semitrailers.

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 and certain commercial motor vehicle, trailers, and semitrailers 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.

Any commercial motor vehicle that is subject to the Federal Motor Carrier Safety Regulations shall not be subject to the requirements for inspection contained in this section until the commercial motor vehicle has returned to the Commonwealth if:

1. The commercial motor vehicle is registered in Virginia but domiciled or garaged outside the Commonwealth;

2. Such commercial motor vehicle is found to meet the federal requirements for annual inspection through a self-inspection, a third-party inspection, a Commercial Vehicle Safety Alliance inspection, or a periodic inspection performed by any state with a program;

3. Any inspection authorized by subdivision 2 has been determined by the Federal Motor Carrier Safety Administration to be comparable to or as effective as the requirements of Title 49, Code of Federal Regulations, Part 396; and

4. Documentation of such determination as provided for in subdivision 3 is available for review by law-enforcement officials to verify that the inspection is current.

Further, any trailer or semitrailer that (i) has a gross vehicle weight rating of 26,001 pounds or

60 *more and (ii) is operated in interstate commerce shall be deemed to comply with the requirements of*
61 *this section if documentation on the vehicle that is available for inspection by law-enforcement officials*
62 *verifies that an inspection performed pursuant to Title 49, Code of Federal Regulations, Part 396, is*
63 *current and valid.*

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

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