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SENATE BILL NO. 830

Offered January 14, 2009

Prefiled December 16, 2008

A BILL to amend and reenact § 33.1-375.1 of the Code of Virginia, relating to removal of advertising by agents of the Commissioner.

Patron—Cuccinelli

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-375.1 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-375.1. Local governing body as agent of Commissioner; penalties.

A. ~~The Commonwealth Transportation Commissioner may enter into agreements with the~~ The local governing body of ~~Fairfax County authorizing any county, city, or town may authorize~~ local law-enforcement agencies or other local governmental entities to act as agents of the Commissioner for the purpose of (i) enforcing the provisions of § 33.1-373 and (ii) collecting the penalties and costs provided for in that section. However, no local governing body shall ~~enter into any such agreement act as an agent of the Commissioner under this subsection~~ until it has held a public hearing thereon.

B. Notwithstanding the provisions of § 33.1-373, one-half of the penalties and costs collected under this section shall be paid to the affected locality, and the remainder shall be remitted to the Commissioner and paid into the Highway Maintenance and Operating Fund.

C. Notwithstanding the foregoing provisions of this section, the following signs and advertising shall not be subject to the ~~agreements provided for provisions~~ in subsection A of this section:

1. Signs and advertising supporting an individual's candidacy for elected public office or other ballot issues, provided this exception shall not include signs and advertising in place more than three days after the election to which they apply.

2. Signs and advertising promoting and/or providing directions to a special event to be held at a specified date stated on the sign or advertising, provided this exception shall not include special event signs in place more than three days after the conclusion of the special event.

3. Other signs and advertising erected for no more than three days.

D. ~~Notwithstanding the foregoing provisions of this section, the Commissioner may enter into agreements with the local governing bodies of localities to which the foregoing provisions of this section do not apply to authorize those governing bodies to act as agents of the Commissioner and the Department in enforcing the provisions of § 33.1-373. The limitations applicable to agreements entered into under subsections A through C of this section shall not apply to agreements entered into under this subsection.~~

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INTRODUCED

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