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SENATE BILL NO. 404

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on February 4, 2010)

(Patron Prior to Substitute—Senator Petersen)

A BILL to amend and reenact § 46.2-749.3 of the Code of Virginia, relating to special license plates for clean special fuel vehicles.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-749.3 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-749.3. Special license plates for clean special fuel vehicles.

A. The owner of any motor vehicle, except a motorcycle, that may utilize clean special fuel may purchase special license plates indicating the motor vehicle utilizes clean special fuels. Upon receipt of an application, the Commissioner shall issue special license plates to the owners of such vehicles.

For those motor vehicles required by law to display official government-use license plates, the Commissioner shall provide by regulation for the issuance, display, and fee for issuance of an alternative device indicating that the vehicle displaying the device is a clean special fuel vehicle. For the purposes of § 33.1-46.2, vehicles displaying such a device as provided in such regulation shall be treated as vehicles displaying special license plates issued under this section.

As used in this section, "clean special fuel" means any product or energy source used to propel a highway vehicle, the use of which, compared to conventional gasoline or reformulated gasoline, results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination thereof. The term includes compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, *electrolytic oxy-hydrogen injection (and combination of oxy-hydrogen and gasoline or diesel)*, hythane (a combination of compressed natural gas and hydrogen), and electricity.

On and after July 1, 2006, license plates provided for in this section shall be issued with a new design distinctively different from the design of license plates issued to owners of vehicles that qualify for license plates under this section whose applications are received by the Department prior to July 1, 2006. The distinctively different design shall be developed by the Department in consultation with the Department of State Police.

1. For the purposes of subdivision A 6 of § 33.1-46.2, on HOV lanes serving the I-95/395 and I-64/264 corridors, only vehicles registered with and displaying special license plates issued under this section prior to July 1, 2006, shall be treated as vehicles displaying special license plates issued under this section.

2. That the Commissioner of the Department of Motor Vehicles, in consultation with the Motor Vehicle Dealer Board, shall develop procedures to ensure that all potential purchasers of clean special fuel vehicles receive adequate notice of the benefits, risks and timelines required for the issuance of clean special fuel vehicle license plates.

B. ~~The~~ *With the exception of plates issued to government-use vehicles, the* annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid to the State Treasury and credited to a special nonreverting fund known as the HOV Enforcement Fund, established within the Department of Accounts, for use by the Virginia State Police for enhanced HOV enforcement. *The fee for plates issued pursuant to this section to government-use vehicles shall be as prescribed in subsection A of § 46.2-750.*