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HOUSE BILL NO. 2028

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact §§ 46.2-608 and 46.2-609 of the Code of Virginia, relating to registration of motor vehicles.

Patron—May

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-608 and 46.2-609 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-608. When application for registration or certificate of title rejected.

The Department may reject an application for the registration of a motor vehicle, trailer, or semitrailer or certificate of title when:

1. The applicant for registration is not entitled to it under the provisions of this title or Title 43;
2. The applicant has neglected or refused to furnish the Department with the information required on the appropriate official form or other information required by the Department;
3. The required fees have not been paid;
4. The vehicle is not equipped with equipment required by this title or the vehicle is equipped with equipment prohibited by this title;
5. The applicant, if not a resident of the Commonwealth, has not filed with the Commissioner a power of attorney appointing him the applicant's authorized agent or attorney-in-fact upon whom process or notice may be served as required in § 46.2-601; or

6. There is reason to believe that the application or accompanying documents have been altered or contain any false statement; or

7. The vehicle is a commercial motor vehicle and is being operated by a motor carrier that has been prohibited to operate by a federal agency;

8. The vehicle is a commercial motor vehicle and the vehicle has been assigned for safety to a motor carrier that has been prohibited from operating by a federal agency or a motor carrier whose business is operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration, including the owner or a relative, family member, corporate officer, or shareholder; or

9. The vehicle is a commercial motor vehicle and the applicant has applied on behalf of or for the benefit of the real party in interest who has been issued a federal out of service order or if the applicant's business is operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration, including the applicant or an entity, relative, family member, corporate officer, or shareholder.

For purposes of this section, the terms "commercial motor vehicle" and "motor carrier" shall be as defined in § 52-8.4.

§ 46.2-609. When registration may be suspended or revoked.

A. The Department may revoke the registration of a motor vehicle, trailer, or semitrailer and may revoke the registration card, license plates, or decals whenever the person to whom the registration card, license plates, or decals have been issued makes or permits to be made an unlawful use of any of them or permits their use by a person not entitled to them, or fails or refuses to pay, within the time prescribed by law, any fuel taxes or other taxes or fees required to be collected or authorized to be collected by the Department regardless of whether the fee applies to that particular vehicle.

B. The Department may suspend or revoke the registration card, license plates, or decals issued to a commercial motor vehicle if the motor carrier responsible for safety of the vehicle has been prohibited from operating by a federal agency. For purposes of this subsection, the terms "commercial motor vehicle" and "motor carrier" shall be as defined in § 52-8.4.

INTRODUCED

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