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SENATE BILL NO. 776

Offered January 12, 2011

Prefiled December 21, 2010

A BILL to amend and reenact § 46.2-205 of the Code of Virginia, relating to DMV offices and agencies; agreements with commissioners of the revenue, treasurers, or localities.

Patrons—Marsh, Blevins, Locke, McDougle, Petersen, Reynolds and Stanley; Delegates: Armstrong, Bulova and Landes

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-205 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-205. Department offices and agencies; agreements with dealers.

A. The Commissioner shall maintain his office in the Commonwealth at a location which he determines to be appropriate. He may appoint agents and maintain branch offices in the Commonwealth in whatever locations he determines to be necessary to carry out this title.

However, in any county, city, or town that does not have either a branch office or an automated agency, the Commissioner shall, upon request of any commissioner of the revenue, treasurer, or local governing body, jointly or separately, enter into an agreement with such commissioner of the revenue, treasurer, or local governing body, to act as an agent of the Commissioner and maintain a branch office.

The personnel of each branch office and each agency shall be appointed by the Commissioner and shall be bonded in an amount fixed by the Commissioner. The person in charge of the branch office and each agency shall deposit daily in the local bank, or at such other intervals as may be designated by the Commissioner, to the account of the State Treasurer, all moneys collected, and shall submit daily to the Commissioner, or at such other intervals as may be designated by the Commissioner, a complete record of what each deposit is intended to cover. The Commissioner shall not be held liable in the event of the loss of any moneys collected by such agents resulting from their failure to deposit such money to the account of the State Treasurer.

The compensation of the personnel of each branch office and each agency is to be fixed by the Commissioner. The compensation fixed for each nonautomated agency for the purpose of maintaining adequate annual service to the public shall be three and one-half percent of the first \$500,000 of gross collections made by the agency, two percent of the next \$500,000 of gross collections made by the agency, and one percent of all gross collections in excess of \$1,000,000 made by the agency during each fiscal year.

The compensation fixed for each automated agency for the purpose of maintaining adequate annual service to the public shall be three and one-half percent of gross collections made by the agency during each fiscal year.

The compensation awarded shall belong to the agents for their services under this section, and the Commissioner shall cause to be paid all freight, cartage, premium on bond and postage, but not any extra clerk hire or other expenses occasioned by their duties.

B. The Commissioner may enter into an agreement with any Virginia-licensed motor vehicle dealer, T&M vehicle dealer, trailer dealer, or motorcycle dealer to act as an agent of the Commissioner as provided in subsection A. Motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers who act as agents of the Commissioner of the Department of Motor Vehicles as authorized in this subsection shall be compensated as provided in subsection A.

INTRODUCED

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