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## SENATE BILL NO. 792

Senate Amendments in [ ] — February 1, 2011

A *BILL to amend and reenact §§ 46.2-2005 and 46.2-2080 of the Code of Virginia, relating to regulation of certain motor carriers.*

Patron Prior to Engrossment—Senator Watkins

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That §§ 46.2-2005 and 46.2-2080 of the Code of Virginia are amended and reenacted as follows:**

§§ 46.2-2005. Action on applications; hearings on denials and protests.

A. The Department may act upon any application required under this chapter without a hearing, unless such application is protested by any aggrieved party, except that no protest shall be heard in such cases whereby the applicant has received a notice of intent to award a contract under the Virginia Public Procurement Act (§ 2.2-4300 et seq.) for irregular route common carrier service to or from a public-use airport located in the City of Norfolk *or the County of Henrico*. Aggrieved parties may protest an application by submitting written grounds to the Department setting forth (i) a precise statement of the party's interest and how the party could be aggrieved if the application were granted; (ii) a full and clear statement of the facts that the person is prepared to provide by competent evidence; (iii) a statement of the specific relief sought; (iv) the case number assigned to the application; and (v) a certification that a copy of the protest was sent to the applicant.

B. Any applicant denied without a hearing an original license or certificate under subsection A, or any request for a transfer of such a license or certificate, shall be given a hearing at a time and place determined by the Commissioner or his designee upon the applicant's written request for such hearing made within ~~thirty~~ 30 days of denial.

§ 46.2-2080. Irregular route passenger certificates.

Notwithstanding any of the provisions of § 46.2-2078, the Department may grant common carrier certificates to applicants to serve irregular routes on an irregular schedule within a specified geographic area. The Department shall issue no more certificates than the public convenience and necessity require, and shall place such restrictions upon such certificates as may be reasonably necessary to protect any existing regular or irregular route common carrier certificate holders operating within the proposed service area, but shall not deny a certificate solely on the ground that the applicant will operate in the same service area that an existing regular or irregular route common carrier certificate holder is operating. Certificates issued hereunder shall be restricted to operation of vehicles with a passenger-carrying capacity not to exceed ~~fifteen~~ 15 persons, including the driver. Certificates hereunder shall also be restricted to prohibit pickup or delivery of passengers at their personal residence in the City of Norfolk [ *or the County of Henrico* ], except that this restriction shall not apply to specially equipped vehicles for the transportation of disabled persons.

A motor carrier receiving a notice of intent to award a contract under the Virginia Public Procurement Act (§ 2.2-4300 et seq.) for irregular route common carrier service to or from a public-use airport located in the City of Norfolk *or the County of Henrico* is entitled to a conclusive presumption of a need for such service.

ENGROSSED

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