

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 46.2-2005 and 46.2-2080 of the Code of Virginia, relating to*
3 *regulation of certain motor carriers.*

[S 792]

Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 46.2-2005 and 46.2-2080 of the Code of Virginia are amended and reenacted as follows:**

8 § 46.2-2005. Action on applications; hearings on denials and protests.

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

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

23 § 46.2-2080. Irregular route passenger certificates.

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

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

ENROLLED

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