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HOUSE BILL NO. 353

Offered January 11, 2012

Prefiled January 10, 2012

A *BILL to amend and reenact §§ 46.2-217, 46.2-341.16, 46.2-613.1, 46.2-613.4, 46.2-703, 46.2-725.2, 46.2-2000, 46.2-2001, 46.2-2001.3, 46.2-2011.4, 46.2-2011.8, 46.2-2011.11, 46.2-2155, 58.1-2402, as it is currently effective and as it shall become effective, 58.1-2403, as it is currently effective and as it shall become effective, 58.1-2700.1, 58.1-2700.2, and 58.1-2712.1 of the Code of Virginia and to repeal §§ 46.2-2099.2, 46.2-2099.3, 46.2-2099.7 through 46.2-2099.10, 46.2-2099.12, 46.2-2099.13 through 46.2-2099.16, 46.2-2116, 46.2-2119, and 46.2-2123 of the Code of Virginia, relating to motor carrier and commercial driver licensing laws.*

Patron—Cox, J.A.

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-217, 46.2-341.16, 46.2-613.1, 46.2-613.4, 46.2-703, 46.2-725.2, 46.2-2000, 46.2-2001, 46.2-2001.3, 46.2-2011.4, 46.2-2011.8, 46.2-2011.11, 46.2-2155, 58.1-2402, as it is currently effective and as it shall become effective, 58.1-2403, as it is currently effective and as it shall become effective, 58.1-2700.1, 58.1-2700.2, and 58.1-2712.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-217. Enforcement of laws by Commissioner; authority of officers.

The Commissioner, his several assistants, including those who are full-time sworn members of the enforcement division of the Department of Motor Vehicles, and police officers appointed by him are vested with the powers of sheriffs for the purpose of enforcing the laws of the Commonwealth which the Commissioner is required to enforce. Such full-time sworn members of the enforcement division of the Department of Motor Vehicles are hereby authorized to enforce the criminal laws of the Commonwealth.

The Commissioner may also appoint or designate any of his staff to be "size and weight compliance agents" who shall thereby have the authority to (i) enforce the requirements for the use of dyed diesel fuel in §§ 58.1-2265 and 58.1-2267; (ii) enforce the requirements of Article 17 (§ 46.2-1122 et seq.) of Chapter 10; (iii) issue citations for violations of license, registration, and tax requirements and vehicle size limits pursuant to § 46.2-613.1; and (iv) carry out the vehicle seizure provisions of §§ 46.2-613.4, 46.2-613.5, 46.2-703, 46.2-1134, and 46.2-1136 at any permanent weighing station. *For the purposes of this section, a permanent weighing station shall include any location equipped with fixed, permanent scales for weighing motor vehicles.*

Nothing in this title shall relieve any law-enforcement officer, commissioner of the revenue, or any other official invested with police powers and duties, state or local, of the duty of assisting in the enforcement of such laws within the scope of his respective authority and duty.

All law-enforcement officers appointed by the Commissioner may administer oaths and take acknowledgments and affidavits incidental to the administration and enforcement of this title and all other laws relating to the operation of motor vehicles, applications for driver's licenses, and the collection and refunding of taxes levied on gasoline. They shall receive no compensation for administering oaths or taking acknowledgments.

§ 46.2-341.16. Vehicle classifications and endorsements.

A. A commercial driver's license shall authorize the licensee to operate only the classes and types of commercial motor vehicles designated thereon. The classes of commercial motor vehicles for which such license may be issued are:

1. Class A-Combination heavy vehicle. - Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, provided the gross vehicle weight rating of the vehicles being towed is in excess of 10,000 pounds;

2. Class B-Heavy straight vehicle or other combination. - Any single motor vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating that is not in excess of 10,000 pounds; and

3. Class C-Small vehicle. - Any vehicle that does not fit the definition of a Class A or Class B vehicle and is either (i) designed to transport sixteen or more passengers including the driver or (ii) is used in the transportation of hazardous materials.

B. Commercial driver's licenses shall be issued with endorsements and restrictions authorizing the driver to operate or restricting the driver to the types of vehicles identified as follows:

- 59 1. Type T-Vehicles with double or triple trailers;
 60 2. Type P-Vehicles carrying passengers;
 61 3. Type N-Vehicles with cargo tanks;
 62 4. Type H-Vehicles required to be placarded for hazardous materials;
 63 5. Type K-Vehicles not equipped with air brakes; and
 64 6. Type S-School buses carrying 16 or more passengers, including the driver.

65 C. Persons authorized to drive Class A vehicles are also authorized to drive Classes B and C
 66 vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

67 D. Persons authorized to drive Class B vehicles are also authorized to drive Class C vehicles,
 68 provided such persons possess the requisite endorsements for the type of vehicle driven.

69 E. Any licensee who seeks to add a classification or endorsement to his commercial driver's license
 70 must submit the application forms, certifications and other updated information required by the
 71 Department and shall take and successfully complete the tests required for such classification or
 72 endorsement.

73 *F. If any endorsement to a commercial driver's license is canceled by the Department and the*
 74 *licensee does not appear in person at the Department to have such endorsement removed from the*
 75 *license, then the Department may cancel the commercial driver's license of the licensee.*

76 § 46.2-613.1. Civil penalty for violation of license, registration, and tax requirements and vehicle size
 77 limitations.

78 A. A civil penalty of \$250 and a processing fee of \$20 shall be levied against any person who while
 79 at a permanent weighing station:

80 1. Operates or permits the operation of a truck or tractor truck with a gross weight greater than 7,500
 81 pounds, a trailer, or a semitrailer owned, leased, or otherwise controlled by him on any highway in the
 82 Commonwealth unless (i) it is registered, (ii) a certificate of title therefor has been issued, and (iii) it
 83 has displayed on it the license plate or plates and decal or decals required by this title.

84 2. Operates or causes to be operated on any highway in the Commonwealth any motor vehicle that is
 85 not in compliance with the Unified Carrier Registration System authorized under 49 U.S.C. § 14504a,
 86 enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal regulations
 87 promulgated thereunder.

88 3. Operates or permits the operation of any truck or tractor truck for which the fee for registration is
 89 prescribed by § 46.2-697 on any highway in the Commonwealth (i) without first having paid the
 90 registration fee hereinabove prescribed or (ii) if at the time of operation the gross weight of the vehicle
 91 or of the combination of vehicles of which it is a part is in excess of the gross weight on the basis of
 92 which it is registered. In any case where a pickup truck is used in combination with another vehicle, the
 93 civil penalty and processing fee shall be assessed only if the combined gross weight exceeds the
 94 combined gross weight on the basis of which each vehicle is registered.

95 4. (i) Fails to obtain a proper registration card, identification marker, or other evidence of registration
 96 as required by Chapter 21 (§ 46.2-2100 et seq.); (ii) *operates or causes to be operated on any highway*
 97 *in the Commonwealth any motor vehicle that does not carry the proper registration and identification*
 98 *marker required by Chapter 21 (§ 46.2-2100 et seq.) or any motor vehicle that does not display an*
 99 *identification marker or other identifying information as prescribed by the Department or required by*
 100 *this Title; or (iii) operates or causes to be operated on any highway in the Commonwealth any motor*
 101 *vehicle requiring registration cards or identification markers from the Department after such*
 102 *registration cards or identification markers have been revoked, canceled, or suspended.*

103 5. ~~Operates~~ (i) Fails to obtain a proper registration card, identification marker, or other evidence of
 104 registration required by Chapter 27 (§ 58.1-2700 et seq.) or the terms and provisions of the
 105 International Fuel Tax Agreement, as amended by the International Fuel Tax Association, Inc.; (ii)
 106 ~~operates~~ or causes to be operated on any highway in the Commonwealth any ~~truck or tractor truck~~
 107 ~~motor vehicle~~ that does not carry the proper registration and identification marker required by ~~Chapter~~
 108 ~~21 (§ 46.2-2100 et seq.)~~ Chapter 27 (§ 58.1-2700 et. seq.) or the terms and provisions of the
 109 International Fuel Tax Agreement, as amended by the International Fuel Tax Association, Inc., or any
 110 motor vehicle that does not display ~~(i)~~ an identification marker or other identifying information ~~in such~~
 111 ~~manner~~ as is prescribed by the Department or ~~(ii) other identifying information~~ required by this title
 112 Title 58.1 or the terms of the International Fuel Tax Agreement, as amended by the International Fuel
 113 Tax Association, Inc.; or (iii) ~~operates or causes to be operated on any highway in the Commonwealth~~
 114 ~~any motor vehicle requiring registration cards or identification markers from the Department after such~~
 115 ~~registration cards or identification markers have been revoked, canceled, or suspended.~~

116 6. ~~Operates~~ Except as provided for the specified violations set forth in subsection B of this statute,
 117 ~~operates~~ or causes to be operated on any highway in the Commonwealth any truck or tractor truck
 118 requiring registration from the Department under Chapter 21 (§ 46.2-2100 et seq.) after such registration
 119 cards or identification markers have been revoked, canceled, or suspended or combination of vehicles
 120 exceeding the size limitations of Articles 14 (§ 46.2-1101, et seq.), 15 (§ 46.2-1105, et. seq.), 16

121 (§ 46.2-1112, et. seq.), and 18 (§ 46.2-1139, et. seq.) of Chapter 10.

122 7. Operates or causes to be operated on any highway in the Commonwealth any truck or tractor
123 truck or combination of vehicles exceeding the size limitations of Articles 14 (§ 46.2-1101 et seq.), 15
124 (§ 46.2-1105 et seq.), 16 (§ 46.2-1112 et seq.), and 18 (§ 46.2-1139 et seq.) of Chapter 10.

125 B. A civil penalty equal to the amount of the fine set forth in Rule 3B:2 of the Rules of the Supreme
126 Court for such a violation and a processing fee of \$20 shall be levied against any person who, while at
127 a permanent weighing station, is operating a vehicle or causing the operation of any truck or tractor
128 truck or combination of vehicles exceeding the size limitations of §§ 46.2-1105, 46.2-1110, 46.2-1111,
129 46.2-1112, 46.2-1116, 46.2-1118, 46.2-1120, or 46.2-1121.

130 C. Upon collection by the Department, civil penalties levied pursuant to subdivisions A 1 and A 3
131 through A 6 shall be paid into the Commonwealth Transportation Fund, but civil penalties levied
132 pursuant to subdivisions A 2 and A 7 B and all processing fees levied pursuant to this section shall be
133 paid into the state treasury and shall be set aside as a special fund to meet the expenses of the
134 Department of Motor Vehicles.

135 C.D. The penalties and fees specified in this section shall be in addition to any other penalty, fee,
136 tax, or liability that may be imposed by law.

137 § 46.2-613.4. Special seizure provisions for unpaid fees and penalties.

138 Any size and weight compliance agent authorized to serve process under the provisions of this
139 chapter may hold a vehicle without an attachment summons or court order, but only for such time as is
140 reasonably necessary to promptly petition for an attachment summons to attach the vehicle.

141 After finding reasonable cause for the issuance of an attachment summons, the judicial officer
142 conducting the hearing shall inform the operator of the vehicle of his option to either pay the previously
143 assessed fees and penalties due the Commonwealth or contest the charge through the attachment
144 proceeding. If the operator chooses to make payment, he shall do so to the judicial officer, who shall
145 transmit the citation along with the fees and penalties to the Department for distribution in accordance
146 with subsection B C of § 46.2-613.1.

147 The Commonwealth shall not be required to post bond in order to attach a vehicle pursuant to this
148 section. The size and weight compliance agent authorized to hold the vehicle pending a hearing on the
149 attachment petition shall also be empowered to execute the attachment summons if issued. Any bond for
150 the retention of the vehicle or for release of the attachment shall be given in accordance with § 8.01-553
151 except that the bond shall be taken by a judicial officer. The judicial officer shall return the bond to the
152 clerk of the appropriate court in place of the officer serving the attachment as otherwise provided in
153 § 8.01-554.

154 In the event the fees and penalties are not paid in full, or no bond is given by, or for the person
155 charged with the violation responsible for paying the fees and penalties, the vehicle involved in the
156 violation shall be stored in a secure place, as may be designated by the owner or operator of the vehicle.
157 If no place is designated, the officer or size and weight compliance agent executing the attachment
158 summons shall designate the place of storage. The owner or operator shall be afforded the right of
159 unloading and removing the cargo from the vehicle. The risk and cost of the storage shall be borne by
160 the owner or operator of the vehicle.

161 Whenever an attachment summons is issued for unpaid fees and penalties the court shall forward to
162 the Department both a copy of the order disposing of the case and the citation prepared by the size and
163 weight compliance agent but not served.

164 Upon notification of the judgment or administrative order entered for such unpaid fees and penalties
165 and notification of the failure of such person to satisfy the judgment or order, the Department, the
166 Department of State Police, or any law-enforcement officer or size and weight compliance agent shall
167 thereafter deny the offending person the right to operate a motor vehicle or vehicles on any highway of
168 the Commonwealth until the judgment or order has been satisfied and a reinstatement fee of \$50 has
169 been paid to the Department. Reinstatement fees collected under the provisions of this section shall be
170 paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to
171 meet the expenses of the Department.

172 When informed that the right to operate the motor vehicle has been denied, the driver shall drive the
173 motor vehicle to a nearby location off the public highways and not move it or permit it to be moved
174 until such judgment or order has been satisfied. Failure by the driver to comply with this provision shall
175 constitute a Class 4 misdemeanor.

176 All costs incurred by the Commonwealth and all judgments, if any, against the Commonwealth due
177 to action taken pursuant to this section shall be paid from the fund into which the civil penalties levied
178 pursuant to § 46.2-613.1 are paid.

179 Officers of the Department of State Police and all other law-enforcement officers are vested with the
180 same powers with respect to the enforcement of this chapter as they have with respect to the
181 enforcement of the criminal laws of the Commonwealth.

182 § 46.2-703. Reciprocal agreement with other states; assessment and collection of fees on an
183 apportionment or allocation basis; registration of vehicles and reporting of road tax; violations; vehicle
184 seizures; penalties.

185 A. Notwithstanding any other provision of this title, the Governor may, on the advice of the
186 Department, enter into reciprocal agreements on behalf of the Commonwealth with the appropriate
187 authorities of any state of the United States or a state or province of a country providing for the
188 assessing and collecting of license fees for motor vehicles, tractor trucks, trucks, trailers, and semitrailers
189 on an apportionment or allocation basis, as outlined in the International Registration Plan developed by
190 the International Registration Plan, Inc.

191 The Commissioner is authorized to audit the records of any owner, lessor, or lessee to verify the
192 accuracy of any information required by any jurisdiction to determine the registration fees due. Based on
193 this audit, the Commissioner may assess any owner, lessor, or lessee for any license fees due this
194 Commonwealth, including interest and penalties as provided in this section. In addition to any other
195 penalties prescribed by law, the Commissioner or the Reciprocity Board may deny the owner, lessor, or
196 lessee the right to operate any motor vehicle on the highways in the Commonwealth until the assessment
197 has been paid.

198 Trip permit registration may be issued for any vehicle or combination of vehicles that could be
199 lawfully operated in the jurisdiction if full registration or proportional registration were obtained. The
200 fee for this permit shall be \$15 and the permit shall be valid for 10 days.

201 Any person who operates or permits the operation of any motor vehicle, trailer, or semitrailer over
202 any highway in the Commonwealth without first having paid to the Commissioner the fees prescribed
203 and payable under this section shall be guilty of a Class 2 misdemeanor. Failure to display a license
204 plate indicating that the vehicle is registered on an apportionment or allocation basis or carry a trip
205 permit, as outlined in the International Registration Plan, shall constitute prima facie evidence the
206 apportioned or allocated fee has not been paid.

207 If the Commissioner ascertains that any fees that he is authorized to assess any owner, lessor, or
208 lessee for any license year have not been assessed or have been assessed for less than the law required
209 for the year because of failure or refusal of any owner, lessor, or lessee to make his records available
210 for audit as provided herein, or if any owner, lessor, or lessee misrepresents, falsifies, or conceals any of
211 these records, the Commissioner shall determine from any information obtainable the lawful fees at the
212 rate prescribed for that year, plus a penalty of five percent and interest at the rate of six percent per
213 year, which shall be computed on the fees and penalty from the date the fees became due to the date of
214 assessment, and is authorized to make an assessment therefor against the owner, lessor, or lessee. If the
215 assessment is not paid within 30 days after its date, interest at the rate of six percent per year shall
216 accrue thereon from the date of such assessment until the fees and penalty are paid. The notice of the
217 assessment shall be forthwith sent to the owner, lessor, or lessee by registered or certified mail to the
218 address of the owner, lessor, or lessee as it appears on the records in the office of the Department. The
219 notice, when sent in accordance with these requirements, shall be sufficient regardless of whether it was
220 received.

221 If any owner, lessor, or lessee fails to pay the fees, penalty, and interest, or any portion thereof,
222 assessed pursuant to this section, in addition to any other provision of law, the Attorney General or the
223 Commissioner shall bring an appropriate action before the Circuit Court of the City of Richmond for the
224 recovery of the fees, penalty, and interest, and judgment shall be rendered for the amount found to be
225 due together with costs. If it is found that the failure to pay was willful on the part of the owner, lessor
226 or lessee, judgment shall be rendered for double the amount of the fees found to be due, plus costs.

227 B. Notwithstanding any other provision of this title or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1,
228 the Governor, on the advice of the Department, may enter into reciprocal agreements on behalf of the
229 Commonwealth with the duly authorized representatives of other jurisdictions providing for the road tax
230 registration of vehicles, establishing periodic road tax reporting and road tax payment requirements from
231 owners of such vehicles, and disbursement of funds collected due to other jurisdictions based on mileage
232 traveled and fuel used in those jurisdictions as outlined in the International Fuels Tax Agreement.

233 Notwithstanding any statute contrary to the provisions of any reciprocal agreement entered into by
234 the Governor or his duly authorized representative as authorized by this title, the provisions of the
235 reciprocal agreement shall govern and apply to all matters relating to administration and enforcement of
236 the road tax. In the event the language of any reciprocal agreement entered into by the Governor as
237 authorized by this title is later amended so that it conflicts with or is contrary to any statute, the
238 Department shall consider the amended language of the reciprocal agreement controlling and shall
239 administer and enforce the road tax in accordance with the amended language of the reciprocal
240 agreement.

241 An agreement may provide for determining the base state for motor carriers, records requirements,
242 audit procedures, exchange of information, persons eligible for tax licensing, defining qualified motor
243 vehicles, determining if bonding is required, specifying reporting requirements and periods, including

244 defining uniform penalties and interest rates for late reporting, determining methods for collecting and
 245 forwarding of motor fuel taxes and penalties to another jurisdiction, and other provisions as will
 246 facilitate the administration of the agreement.

247 The Governor may, as required by the terms of the agreement, forward to officers of another member
 248 jurisdiction any information in the Department's possession relative to the use of motor fuels by any
 249 motor carrier. The Department may disclose to officers of another state the location of offices, motor
 250 vehicles, and other real and personal property of motor carriers.

251 An agreement may provide for each state to audit the records of motor carriers based in the state to
 252 determine if the road taxes due each member jurisdiction are properly reported and paid. Each member
 253 jurisdiction shall forward the findings of the audits performed on motor carriers based in the member
 254 jurisdiction to each jurisdiction in which the carrier has taxable use of motor fuels. For motor carriers
 255 not based in the Commonwealth and which have taxable use of motor fuel in the Commonwealth, the
 256 Department may serve the audit findings received from another jurisdiction, in the form of an
 257 assessment, on the carrier as though an audit had been conducted by the Department.

258 Any agreement entered into pursuant to this chapter does not preclude the Department from auditing
 259 the records of any motor carrier covered by the provisions of this chapter.

260 The Department shall not enter into any agreement that would affect the motor fuel road tax rate.

261 The Department may adopt and promulgate such rules, regulations, and procedures as may be
 262 necessary to effectuate and administer this title. Nothing in this title shall be construed to affect the tax
 263 rate provisions found in Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1.

264 C. Notwithstanding any other provision in this title or Title 56, the Governor, on the advice of the
 265 Department, may participate in the single state registration system as authorized under 49 U.S.C.
 266 § 14504 and 49 C.F.R. Part 367, and the Unified Carrier Registration System authorized under 49
 267 U.S.C. § 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal
 268 regulations promulgated thereunder.

269 D. Notwithstanding any other provision of this title or Title 58.1, the following violations of laws
 270 shall be punished as follows:

271 1. Any person who operates or causes to be operated on any highway in the Commonwealth any
 272 motor vehicle that is not in compliance with the Unified Carrier Registration System authorized under
 273 49 U.S.C. § 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal
 274 regulations promulgated thereunder shall be guilty of a Class 4 misdemeanor.

275 2. *Any person who operates or causes to be operated on any highway in the Commonwealth any
 276 motor vehicle that is not in compliance with Chapter 27 (§ 58.1-2700 et. seq.) of Title 58.1 or the terms
 277 and provisions of the International Fuel Tax Agreement, as amended by the International Fuel Tax
 278 Association, Inc., shall be guilty of a Class 4 misdemeanor.*

279 ~~2.~~3. Any person who knowingly displays or uses on any vehicle operated by him any *registration,
 280 license, identification marker or other identification or credential authorized to be issued pursuant to
 281 this title, Chapter 27 (§ 58.1-2700 et. seq.) of Title 58.1, or the reciprocal agreements entered into
 282 pursuant to this chapter* that has not been issued to the owner or operator thereof for such vehicle and
 283 any person who knowingly assists him to do so shall be guilty of a Class 3 misdemeanor.

284 E. An officer charging a violation under subsection D shall serve a citation on the operator of the
 285 vehicle in violation. Such citation shall be directed to the owner, operator or other person responsible for
 286 the violation as determined by the officer. Service of the citation on the vehicle operator shall constitute
 287 service of process upon the owner, operator, or other person charged with the violation under this
 288 article, and shall have the same legal force as if served within the Commonwealth personally upon the
 289 owner, operator, or other person charged with the violation, whether such owner, operator, or other
 290 person charged is a resident or nonresident.

291 F. Any police officer or size and weight compliance agent of the Commonwealth authorized to serve
 292 process may hold a motor vehicle owned or operated by a person against whom an order or penalty has
 293 been entered pursuant to this section, §§ 46.2-613.3 and 46.2-1133, the International Registration Plan,
 294 the International Fuel Tax Agreement, or the Unified Carrier Registration System authorized under 49
 295 U.S.C. § 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal
 296 regulations promulgated thereunder, but only for such time as is reasonably necessary to promptly
 297 petition for a writ of fieri facias. The Commonwealth shall not be required to post bond in order to hold
 298 and levy upon any vehicle held pursuant to this section. Upon notification of the order, judgment, or
 299 penalty entered against the offending person and notice to such person of the failure to satisfy the order,
 300 judgment or penalty, any investigator, special agent, officer, or size and weight compliance agent of the
 301 Commonwealth shall thereafter deny the offending person the right to operate a motor vehicle or
 302 vehicles on the highways of the Commonwealth until the order, judgment, or penalty has been satisfied
 303 and a reinstatement fee of \$50 has been paid to the Department. Reinstatement fees collected under the
 304 provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside

305 as a special fund to be used to meet the expenses of the Department.

306 § 46.2-725.2. Special license plates for certain business entities with fleets of vehicles registered in
307 the Commonwealth.

308 A. Notwithstanding the provisions of §§ 46.2-725 and 46.2-726, upon application by certain business
309 entities with vehicle fleets registered in the Commonwealth, the Commissioner may develop and issue
310 special license plates bearing the logos of such businesses in accordance with policies and procedures
311 established by the Commissioner for the issuance of license plates and in accordance with the following
312 provisions:

313 1. Any business wishing to obtain these special license plates must (i) have a fleet of at least 100
314 vehicles registered in the Commonwealth, (ii) utilize one of the Department's online electronic fleet
315 titling and registration systems to obtain title and registration documents for its vehicles, and (iii) enter
316 into an agreement with the Department for the use of the business's logo.

317 2. Any business that enters into an agreement with the Department for the issuance of license plates
318 under this section thereby waives any royalty fees to which it might otherwise be entitled for use of its
319 logo.

320 3. Any initial request for license plates under this section shall be accompanied by an administrative
321 fee as follows: (i) for 100-199 vehicles in a fleet, a fee of \$4,500; (ii) for 200-349 vehicles in a fleet, a
322 fee of \$4,200; or (iii) for more than 349 vehicles in a fleet, a fee of \$4,000.

323 4. For each set of license plates issued under this section without reserved numbers or letters, the
324 Commissioner shall charge, in addition to the prescribed fee for state license plates, a one-time fee of
325 \$5. The fee for a replacement set of license plates issued under this section without reserved numbers or
326 letters shall be \$5.

327 5. For each set of license plates issued under this section with reserved letters or numbers as
328 provided for in § 46.2-726, in lieu of the fees prescribed by that section, the Commissioner shall charge,
329 in addition to the prescribed fee for state license plates, a one-time fee of \$15. The fee for a
330 replacement set of license plates issued under this section with reserved numbers or letters shall be \$15.

331 B. License plates may be issued under this section to vehicles of any type registered by the
332 Department, including those registered under the International Registration Plan.

333 C. 1. *Subsequent to the development of license plates for a business pursuant to subsection A, a
334 business may agree to permit the use of such plates on vehicles not in the company fleet. Written
335 authorization from the business shall be required to obtain or retain any license plates issued pursuant
336 to this subsection. The business may withdraw any such authorization at any time.*

337 2. *Upon receipt of written authorization and an application, the Commissioner shall issue to the
338 applicant license plates bearing the logo of the business. The annual fee for each set of license plates
339 issued under this subsection shall be \$10 plus the prescribed fee for state license plates. For each set of
340 license plates issued under this subsection bearing reserved numbers or letters, the annual fee shall be
341 the same as for those issued under § 46.2-726.*

342 3. *The fee for a replacement set of license plates issued under this subsection shall be as required by
343 § 46.2-692.*

344 4. *License plates issued under this subsection shall not be issued through one of the Department's
345 online electronic fleet titling and registration systems.*

346 5. *The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license
347 plates issued under this subsection.*

348 § 46.2-2000. Definitions.

349 Whenever used in this chapter unless expressly stated otherwise:

350 "Authorized insurer" means, in the case of an interstate motor carrier whose operations may or may
351 not include intrastate activity, an insurer authorized to transact business in any one state, or, in the case
352 of a solely intrastate motor carrier, an insurer authorized to transact business in the Commonwealth.

353 "Broker" means any person not included in the term "motor carrier" and not a bona fide employee or
354 agent of any such carrier, who, as principal or agent, sells or offers for sale any transportation subject to
355 this chapter, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one
356 who sells, provides, furnishes, contracts, or arranges for such transportation.

357 "Carrier by motor launch" means a common carrier or contract carrier, which carrier uses one or
358 more motor launches operating on the waters within the Commonwealth to transport passengers.

359 "Certificate" means a certificate of public convenience and necessity or a certificate of fitness.

360 "Certificate of fitness" means a certificate issued by the Department to a contract bus carrier, a
361 contract passenger carrier, a sight-seeing carrier, or a nonemergency medical transportation carrier.

362 "Certificate of public convenience and necessity" means a certificate issued by the Department of
363 Motor Vehicles to certain common carriers, but nothing contained in this chapter shall be construed to
364 mean that the Department can issue any such certificate authorizing intracity transportation.

365 "Charter bus" means a motor vehicle manufactured with a minimum seating capacity of 32
366 passengers or more, excluding the driver.

367 "Common carrier" means any person who undertakes, whether directly or by a lease or any other
 368 arrangement, to transport passengers for the general public by motor vehicle for compensation over the
 369 highways of the Commonwealth, whether over regular or irregular routes, including such motor vehicle
 370 operations of carriers by rail or water under this chapter. "Common carrier" does not include
 371 nonemergency medical transportation carriers as defined in this section.

372 ~~"Contract bus carrier" means a motor carrier that operates solely charter buses, as defined in this~~
 373 ~~section, to transport groups of passengers under a single contract made with one person for an agreed~~
 374 ~~charge for such transportation regardless of the number of passengers transported, and for which~~
 375 ~~transportation no individual or separate fares are solicited, charged, collected, or received by the carrier.~~

376 "Contract carrier" means any person who, under special and individual contracts or agreements, and
 377 whether directly or by a lease or any other arrangement, transports passengers for compensation.

378 "Contract passenger carrier" means a motor carrier that transports groups of passengers under a single
 379 contract made with one person for an agreed charge for such transportation, regardless of the number of
 380 passengers transported, and for which transportation no individual or separate fares are solicited,
 381 charged, collected, or received by the carrier.

382 "Department" means the Department of Motor Vehicles.

383 "Employee hauler" means a motor carrier operating for compensation and exclusively transporting
 384 only bona fide employees directly to and from the factories, plants, office or other places of like nature
 385 where the employees are employed and accustomed to work.

386 "Excursion train" means any steam-powered train that carries passengers for which the primary
 387 purpose of the operation of such train is the passengers' experience and enjoyment of this means of
 388 transportation, and does not, in the course of operation, carry (i) freight other than the personal luggage
 389 of the passengers or crew or supplies and equipment necessary to serve the needs of the passengers and
 390 crew, (ii) passengers who are commuting to work, or (iii) passengers who are traveling to their final
 391 destination solely for business or commercial purposes.

392 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred
 393 arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided
 394 for in this chapter.

395 "Highway" means every public highway or place of whatever nature open to the use of the public for
 396 purposes of vehicular travel in the Commonwealth, including the streets and alleys in towns and cities.

397 "Identification marker" means a decal or other visible identification issued by the Department to
 398 show (i) that the operator of the vehicle has registered with the Department for the payment of the road
 399 tax imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, (ii) proof of the possession of a
 400 certificate or permit issued pursuant to Chapter 20 (§ 46.2-2000 et seq.) of this title, and/or (iii) proof of
 401 compliance with the insurance requirements of this chapter.

402 "Interstate" means transportation of passengers between states.

403 "Intrastate" means transportation of passengers solely within a state.

404 "License" means a license issued by the Department to a broker.

405 "Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than
 406 31 passengers, including the driver, and used in the transportation of passengers.

407 "Motor carrier" means any person who undertakes, whether directly or by lease, to transport
 408 passengers for compensation over the highways of the Commonwealth.

409 "Motor launch" means a motor vessel that meets the requirements of the U.S. Coast Guard for the
 410 carriage of passengers for compensation, with a capacity of six or more passengers, but not in excess of
 411 fifty passengers. Motor launch, as defined herein, shall not include sight-seeing vessels, special or
 412 charter party vessels within the provisions of this chapter. A carrier by motor launch shall not be
 413 regarded as a steamship company.

414 "Nonemergency medical transportation carrier" means a motor carrier that exclusively provides
 415 nonemergency medical transportation and provides such transportation only (i) through the Department
 416 of Medical Assistance Services or; (ii) through a broker operating under a contract with ~~that~~ the
 417 Department of *Medical Assistance Services*; ~~to provide such transportation or (iii) as a Medicaid~~
 418 *Managed Care Organization contracted with the Department of Medical Assistance Services to provide*
 419 *such transportation.*

420 "Nonprofit/tax-exempt passenger carrier" means a bona fide nonprofit corporation organized or
 421 existing under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1, or a tax-exempt organization as defined in
 422 §§ 501(c)(3) and 501(c)(4) of the United States Internal Revenue Code, as from time to time amended,
 423 who undertakes, whether directly or by lease, to control and operate minibuses exclusively in the
 424 transportation, for compensation, of members of such organization if it is a membership corporation, or
 425 of elderly, disabled, or economically disadvantaged members of the community if it is not a membership
 426 corporation.

427 "Operation" or "operations" includes the operation of all motor vehicles, whether loaded or empty,

428 whether for compensation or not, and whether owned by or leased to the motor carrier who operates
429 them or causes them to be operated.

430 "Operator" means the employer or person actually driving a motor vehicle or combination of
431 vehicles.

432 "Permit" means a permit issued by the Department to carriers operating as employee haulers or
433 nonprofit/tax-exempt passenger carriers or to operators of taxicabs or other vehicles performing taxicab
434 service under this chapter.

435 "Person" means any individual, firm, copartnership, corporation, company, association or joint-stock
436 association, and includes any trustee, receiver, assignee, or personal representative thereof.

437 "Restricted common carrier" means any person who undertakes, whether directly or by a lease or
438 other arrangement, to transport passengers for compensation, whereby such transportation service has
439 been restricted.

440 "Route," when used in connection with or with respect to a certificate of public convenience and
441 necessity, means the road or highway, or segment thereof, operated over by the holder of a certificate of
442 public convenience and necessity or proposed to be operated over by an applicant therefor, whether such
443 road or highway is designated by one or more highway numbers.

444 "Services" and "transportation" include the service of, and all transportation by, all vehicles operated
445 by, for, or in the interest of any motor carrier irrespective of ownership or contract, expressed or
446 implied, together with all facilities and property operated or controlled by any such carrier or carriers
447 and used in the transportation of passengers or the performance of any service in connection therewith.

448 "Sight-seeing carrier" means a restricted common carrier authorized to transport passengers under the
449 provisions of this chapter, whereby the primary purpose of the operation is the passengers' experience
450 and enjoyment and/or the promotion of tourism.

451 "Sight-seeing carrier by boat" means a restricted common carrier, which restricted common carrier
452 uses a boat or boats operating on waters within the Commonwealth to transport passengers, and whereby
453 the primary purpose of the operation is the passengers' experience and enjoyment and/or the promotion
454 of tourism. Sight-seeing carriers by boat shall not be regarded as steamship companies.

455 "Single state insurance receipt" means any receipt issued pursuant to 49 C.F.R. Part 367 evidencing
456 that the carrier has the required insurance and paid the requisite fees to the Commonwealth and other
457 qualified jurisdictions.

458 "Special or charter party carrier by boat" for purposes of this chapter shall mean a restricted common
459 carrier which transports groups of persons under a single contract made with one person for an agreed
460 charge for such movement regardless of the number of persons transported. Special or charter party
461 carriers by boat shall not be regarded as steamship companies.

462 "Taxicab or other motor vehicle performing a taxicab service" means any motor vehicle having a
463 seating capacity of not more than six passengers, excluding the driver, not operating on a regular route
464 or between fixed terminals used in the transportation of passengers for hire or for compensation, and not
465 a common carrier, restricted common carrier, or nonemergency medical transportation carrier as defined
466 in this chapter.

467 § 46.2-2001. Regulation by Department; reports; prevention of discrimination; regulation of leasing of
468 motor vehicles.

469 The Department shall supervise, regulate and control all motor carriers, carriers by rail, and brokers
470 not exempted under this chapter doing business in the Commonwealth, and all matters relating to the
471 performance of their public duties and their charges therefor as provided by this chapter, and shall
472 correct abuses therein by such carriers; and to that end the Department may prescribe reasonable rules,
473 regulations, forms and reports for such carriers and brokers in furtherance of the administration and
474 operation of this chapter; and the Department shall have the right at all times to require from such
475 motor carriers, carriers by rail, and brokers special reports and statements, under oath, concerning their
476 business.

477 The Department shall make and enforce such requirements, rules and regulations as may be
478 necessary to prevent unjust or unreasonable discriminations by any carrier or broker in favor of, or
479 against, any person, locality, community or connecting carrier in the matter of service, schedule,
480 efficiency of transportation or otherwise, in connection with the public duties of such carrier or broker.
481 The Department shall administer and enforce all provisions of this chapter, and may prescribe reasonable
482 rules, regulations and procedure looking to that end.

483 The Department may prescribe and enforce such reasonable requirements, rules and regulations in the
484 matter of leasing of motor vehicles as are necessary to prevent evasion of the Department's regulatory
485 powers.

486 *The Department shall work in conjunction with the Department of State Police and local*
487 *law-enforcement officials to promote uniform enforcement of the laws pertaining to motor carriers and*
488 *the rules, regulations, forms, and reports prescribed under the provisions of this chapter.*

489 § 46.2-2001.3. Application; notice requirements.

490 A. Applications for a license, permit, certificate, or identification marker under this chapter shall be
 491 made to the Department and contain such information and exhibits as the Department shall require. Such
 492 information shall include, in the application or otherwise, the matters set forth in § 46.2-2011.24 as
 493 grounds for denying licenses, permits, and certificates, and other pertinent matters requisite for the
 494 safeguarding of the public interest.

495 B. An applicant for any original certificate of public convenience and necessity issued under this
 496 chapter, or any request for a transfer of such certificate, unless otherwise provided, shall cause a notice
 497 of such application, on the form and in the manner prescribed by the Department, on every motor
 498 carrier holding the same type of certificate issued by the Department and operating or providing service
 499 within the area proposed to be served by the applicant.

500 C. For any application for original certificate or license issued under this chapter, or any request for
 501 a transfer of such certificate or license, the Department shall publish a notice of such application on the
 502 Department's public website in the form and in the manner prescribed by the Department.

503 D. An applicant for any original certificate of public convenience and necessity ~~or license~~ issued
 504 under this chapter, or any request for a transfer of such certificate of public convenience and necessity
 505 ~~or license~~, shall cause a publication of a summary of the application to be made in a newspaper having
 506 a general circulation in the proposed area to be served or area where the primary business office is
 507 located within such time as the Department may prescribe.

508 § 46.2-2011.4. Conversion of contract bus certificates.

509 ~~A. All nonemergency medical transportation contract bus carriers as defined in this chapter that hold~~
 510 ~~a permit or certificate issued prior to July 1, 2011~~ 2012, shall be issued a replacement ~~nonemergency~~
 511 ~~medical transportation~~ certificate of fitness *as a contract passenger carrier*. ~~All contract passenger~~
 512 ~~carriers and sight-seeing carriers that hold a certificate of public convenience and necessity issued prior~~
 513 ~~to July 1, 2011, shall be issued a replacement certificate of fitness.~~ The holder of such permit or
 514 certificate shall *not be required* to apply for a replacement certificate prior to October 1, 2011. If such
 515 application is not received by the Department or received in an envelope bearing a postmark showing it
 516 was mailed prior to midnight, September 30, 2011, then the permit or certificate shall expire.

517 B. If a motor carrier does not request a replacement permit or certificate prior to October 1, 2011,
 518 and allows the original to expire, any application received thereafter shall be treated as an original
 519 application.

520 § 46.2-2011.8. Transfers of certificates of public convenience and necessity.

521 Any ~~license or certificate of public convenience and necessity~~ issued under this chapter may be
 522 transferred, subject to the approval of the Department, and under such reasonable rules and regulations
 523 as may be prescribed by the Department. An application for such approval shall be made jointly by the
 524 transferor and transferee. The transfer of a ~~license or certificate of public convenience and necessity~~ can
 525 only be made upon a satisfactory showing that such purchaser or transferee can and will comply with
 526 the applicable motor carrier or broker laws, rules and regulations of the Department, is fit, willing and
 527 able to properly perform the services, and all taxes due the Commonwealth have been paid, or payment
 528 guaranteed.

529 § 46.2-2011.11. Established place of business.

530 A. No license or certificate shall be issued to any applicant that does not have an established place
 531 of business, owned or leased by the applicant, where a substantial portion of the activity of the motor
 532 carrier or broker business will be routinely conducted and that:

533 1. Satisfies all applicable local zoning regulations;

534 2. Houses all records that the motor carrier or broker is required to maintain by this chapter or by
 535 regulations promulgated pursuant to this chapter; and

536 3. Is equipped with a working telephone listed *or advertised* in the name of the motor carrier or
 537 broker.

538 B. Every licensee and certificate holder shall maintain an established place of business in accordance
 539 with subsection A of this section and keep on file a physical address with the Department. Every
 540 licensee and certificate holder shall inform the Department of any changes to the motor carrier or
 541 broker's mailing address, physical location, telephone number, and legal status, legal name of company,
 542 or trade name of company within thirty days of such change.

543 § 46.2-2155. Power and duty of Department.

544 The Department shall regulate and control all household goods carriers not herein exempted, doing
 545 business in the Commonwealth, in all matters relating to the performance of their duties as such carriers
 546 and their rates and charges therefor, which rates and charges shall be filed with and subject to approval
 547 by the Department by individual household goods carriers or by groups of such carriers, and correct
 548 abuses by such carriers. To that end the Department may prescribe reasonable rules, regulations, bills of
 549 lading, forms and reports for such carriers to administer and enforce the provisions of this chapter. The
 550 Department shall have the right at all times to require from such carriers special reports and statements,

551 under oath, concerning their business. It shall make and enforce such requirements, rules, and
 552 regulations as may be necessary to prevent unjust or unreasonable discriminations by any such carrier.
 553 The Department may prescribe and enforce such reasonable requirements, rules and regulations in the
 554 matter of leasing of motor vehicles as are necessary to prevent evasion of the Department's regulatory
 555 powers.

556 *The Department shall work in conjunction with the Department of State Police and local*
 557 *law-enforcement officials to promote uniform enforcement of the laws pertaining to motor carriers and*
 558 *the rules, regulations, forms, and reports prescribed under the provisions of this chapter.*

559 § 58.1-2402. (Effective until July 1, 2012) Levy.

560 A. There is hereby levied, in addition to all other taxes and fees of every kind now imposed by law,
 561 a tax upon the sale or use of motor vehicles in Virginia, other than (i) ~~vehicles with a gross vehicle~~
 562 ~~weight rating or gross combination weight rating of 26,001 pounds or more, or (ii) a sale to or use by a~~
 563 ~~person for rental as an established business or part of an established business or incidental or germane to~~
 564 ~~such business.~~

565 There shall also be levied a tax upon the rental of a motor vehicle in Virginia, without regard to
 566 whether such vehicle is required to be licensed by the Commonwealth. However, such tax shall not be
 567 levied upon a rental to a person for re-rental as an established business or part of an established
 568 business, or incidental or germane to such business.

569 The amount of the tax to be collected shall be determined by the Commissioner by the application of
 570 the following rates against the gross sales price or gross proceeds:

571 1. Three percent of the sale price of each motor vehicle sold in Virginia. If such motor vehicle is a
 572 manufactured home as defined in § 36-85.3, the tax shall be three percent of the sale price of each such
 573 manufactured home sold in this Commonwealth; if such vehicle is a mobile office as defined in
 574 § 58.1-2401, the tax shall be two percent of the sale price of each mobile office sold in this
 575 Commonwealth; *if such vehicle has a gross vehicle weight rating or gross combination weight rating of*
 576 *26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile*
 577 *office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is*
 578 *not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be*
 579 *zero percent of the sale price of each such vehicle sold in the Commonwealth.*

580 2. Three percent of the sale price of each motor vehicle, or three percent of the sale price of each
 581 manufactured home as defined in § 36-85.3, or two percent of the sale price of each mobile office as
 582 defined in § 58.1-2401, not sold in Virginia but used or stored for use in ~~this~~ the Commonwealth. *If*
 583 *such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or*
 584 *more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in*
 585 *§ 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used*
 586 *to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the*
 587 *sale price of each such vehicle not sold in the Commonwealth but used or stored for use in the*
 588 *Commonwealth. When any such motor vehicle or manufactured home not sold in the Commonwealth is*
 589 *first used or stored for use in Virginia six months or more after its acquisition, the tax shall be based on*
 590 *its current market value.*

591 3. Four percent of the gross proceeds from the rental in Virginia of any motor vehicle, except those
 592 with a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more.

593 4. In addition to the tax levied pursuant to subdivision A 3, a tax of four percent of the gross
 594 proceeds shall be levied on the rental in Virginia of any daily rental vehicle, whether or not such vehicle
 595 is required to be licensed in the Commonwealth.

596 5. In addition to all other applicable taxes and fees, a fee of two percent of the gross proceeds shall
 597 be imposed on the rental in Virginia of any daily rental vehicle, whether or not such vehicle is required
 598 to be licensed in the Commonwealth. For purposes of this chapter, the rental fee shall be implemented,
 599 enforced, and collected in the same manner that rental taxes are implemented, enforced, and collected.

600 6. The minimum tax levied on the sale of any motor vehicle in the Commonwealth *that is subject to*
 601 *taxation at a rate exceeding zero percent* shall be \$35, except as provided by those exemptions defined
 602 in § 58.1-2403.

603 7. ~~Zero percent of the sale price of each truck, tractor truck, trailer, or semitrailer, with a gross~~
 604 ~~vehicle weight rating or gross combination weight rating of 26,001 pounds or more sold, used, or stored~~
 605 ~~for use in the Commonwealth.~~

606 B. A transaction taxed under subdivision A 1 shall not also be taxed under subdivision A 2, nor shall
 607 the same transaction be taxed more than once under either subdivision. A motor vehicle subject to the
 608 tax imposed under subdivision A 3 shall be subject to the tax under either subdivision A 1 or A 2 when
 609 it ceases to be used for rental as an established business or part of an established business, or incidental
 610 or germane to such business.

611 C. Any motor vehicle, trailer or semitrailer exempt from this tax under subdivision 1 or 2 of
 612 § 58.1-2403 shall be subject to the tax, based on the current market value when such vehicle is no

613 longer owned, rented or used by the United States government or any governmental agency, or the
 614 Commonwealth of Virginia or any political subdivision thereof. Further, any motor vehicle, trailer or
 615 semitrailer exempt from the tax imposed by this chapter under subdivision 11 of § 58.1-2403 or
 616 §§ 46.2-663 through 46.2-674 shall be subject to the tax, based on the current market value, when such
 617 vehicle is subsequently licensed to operate on the highways of this Commonwealth.

618 D. Any person who with intent to evade or to aid another person to evade the tax provided for
 619 herein, falsely states the selling price of a vehicle on a bill of sale, assignment of title, application for
 620 title, or any other document or paper submitted to the Commissioner pursuant to any provisions of this
 621 title or Title 46.2, shall be guilty of a Class 3 misdemeanor.

622 E. Effective January 1, 1997, any amount designated as a "processing fee" and any amount charged
 623 by a dealer for processing a transaction, which is required to be included on a buyer's order pursuant to
 624 subdivision A 10 of § 46.2-1530, shall be subject to the tax.

625 § 58.1-2402. (Effective July 1, 2012) Levy.

626 A. There is hereby levied, in addition to all other taxes and fees of every kind now imposed by law,
 627 a tax upon the sale or use of motor vehicles in Virginia, other than (i) ~~vehicles with a gross vehicle~~
 628 ~~weight rating or gross combination weight rating of 26,001 pounds or more, or (ii) a sale to or use by a~~
 629 ~~person for rental as an established business or part of an established business or incidental or germane to~~
 630 ~~such business.~~

631 The amount of the tax to be collected shall be determined by the Commissioner by the application of
 632 the following rates against the gross sales price:

633 1. Three percent of the sale price of each motor vehicle sold in Virginia. If such motor vehicle is a
 634 manufactured home as defined in § 36-85.3, the tax shall be three percent of the sale price of each such
 635 manufactured home sold in ~~this the~~ Commonwealth; if such vehicle is a mobile office as defined in
 636 § 58.1-2401, the tax shall be two percent of the sale price of each mobile office sold in ~~this the~~
 637 Commonwealth; *if such vehicle has a gross vehicle weight rating or gross combination weight rating of*
 638 *26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile*
 639 *office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is*
 640 *not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be*
 641 *zero percent of the sale price of each such vehicle sold in the Commonwealth.*

642 2. Three percent of the sale price of each motor vehicle, or three percent of the sale price of each
 643 manufactured home as defined in § 36-85.3, or two percent of the sale price of each mobile office as
 644 defined in § 58.1-2401, not sold in Virginia but used or stored for use in ~~this the~~ Commonwealth. *If*
 645 *such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or*
 646 *more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in*
 647 *§ 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used*
 648 *to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the*
 649 *sale price of each such vehicle not sold in the Commonwealth but used or stored for use in the*
 650 *Commonwealth. When any ~~such~~ motor vehicle or manufactured home not sold in the Commonwealth is*
 651 *first used or stored for use in Virginia six months or more after its acquisition, the tax shall be based on*
 652 *its current market value.*

653 3. The minimum tax levied on the sale of any motor vehicle in the Commonwealth *that is subject to*
 654 *taxation at a rate exceeding zero percent* shall be \$35, except as provided by those exemptions defined
 655 in § 58.1-2403.

656 4 through 6. [Repealed.]

657 7. ~~Zero percent of the sale price of each truck, tractor truck, trailer, or semitrailer, with a gross~~
 658 ~~vehicle weight rating or gross combination weight rating of 26,001 pounds or more sold, used, or stored~~
 659 ~~for use in the Commonwealth.~~

660 B. A transaction taxed under subdivision A 1 shall not also be taxed under subdivision A 2, nor shall
 661 the same transaction be taxed more than once under either subdivision.

662 C. Any motor vehicle, trailer or semitrailer exempt from this tax under subdivision 1 or 2 of
 663 § 58.1-2403 shall be subject to the tax, based on the current market value when such vehicle is no
 664 longer owned or used by the United States government or any governmental agency, or the
 665 Commonwealth of Virginia or any political subdivision thereof, unless such vehicle is then rented, in
 666 which case the tax imposed by § 58.1-1736 shall apply, subject to the exemptions provided in
 667 § 58.1-1737. Further, any motor vehicle, trailer or semitrailer exempt from the tax imposed by this
 668 chapter under subdivision 11 of § 58.1-2403 or §§ 46.2-663 through 46.2-674 shall be subject to the tax,
 669 based on the current market value, when such vehicle is subsequently licensed to operate on the
 670 highways of this Commonwealth.

671 D. Any person who with intent to evade or to aid another person to evade the tax provided for
 672 herein, falsely states the selling price of a vehicle on a bill of sale, assignment of title, application for
 673 title, or any other document or paper submitted to the Commissioner pursuant to any provisions of this

674 title or Title 46.2, shall be guilty of a Class 3 misdemeanor.

675 E. Effective January 1, 1997, any amount designated as a "processing fee" and any amount charged
676 by a dealer for processing a transaction, which is required to be included on a buyer's order pursuant to
677 subdivision A 10 of § 46.2-1530, shall be subject to the tax.

678 § 58.1-2403. (Effective until July 1, 2012) Exemptions.

679 No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

680 1. Sold to, rented or used by the United States government or any governmental agency thereof;

681 2. Sold to, rented or used by the Commonwealth of Virginia or any political subdivision thereof;

682 3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;

683 4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any
684 other recognized Indian tribe of the Commonwealth living on the tribal reservation;

685 5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the
686 lienholder;

687 6. A manufactured home permanently attached to real estate and included in the sale of real estate;

688 7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse,
689 this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the
690 transfer;

691 8. Transferred from an individual or partnership to a corporation or limited liability company or from
692 a corporation or limited liability company to an individual or partnership if the transfer is incidental to
693 the formation, organization or dissolution of a corporation or limited liability company in which the
694 individual or partnership holds the majority interest;

695 9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent
696 corporation to a wholly owned subsidiary;

697 10. Being registered for the first time in this Commonwealth and the applicant holds a valid,
698 assignable title or registration issued to him by another state or a branch of the United States Armed
699 Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less
700 than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has
701 been purchased by the applicant within the last 12 months and the applicant is unable to provide
702 evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the
703 fair market value of the vehicle at the time of registration in Virginia;

704 11. a. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale; or

705 b. Titled in the name of an automotive manufacturer having its headquarters in Virginia, except for
706 any commercially leased vehicle that is not described under subdivision 3 of § 46.2-602.2. For purposes
707 of this subdivision, "automotive manufacturer" and "headquarters" means the same as such terms are
708 defined in § 46.2-602.2;

709 12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban
710 bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles,
711 one way, on the same day;

712 13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole
713 purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than
714 Virginia;

715 14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for
716 the use of a church conducted not for profit;

717 15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the
718 instruction of driver's education when such education is a part of such school's curriculum for full-time
719 students;

720 16. Sold to an insurance company or local government group self-insurance pool, created pursuant to
721 § 15.2-2703, for the sole purpose of disposition when such company or pool has paid the registered
722 owner of such vehicle a total loss claim;

723 17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of
724 foreign governments, their employees or agents, and members of their families, if such persons are
725 nationals of the state by which they are appointed and are not citizens of the United States;

726 18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a
727 nonprofit hospital or a cooperative hospital service organization as described in § 501(e) of the United
728 States Internal Revenue Code;

729 19. A motor vehicle having seats for more than seven passengers and sold to a restricted common
730 carrier or common carrier of passengers;

731 20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic
732 or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital
733 service organization as described in § 501(e) of the United States Internal Revenue Code, or a nonprofit
734 corporation as defined in § 501(c)(3) of the Internal Revenue Code, established for research in, diagnosis
735 of, or therapy for human ailments;

736 21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501(c)(3)
 737 of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such
 738 organization;

739 22. A motor vehicle sold to an organization which is exempt from taxation under § 501(c)(3) of the
 740 Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing,
 741 medicines and other necessities of life to, and providing shelter for, needy persons in the United States
 742 and throughout the world;

743 23. A truck, tractor truck, trailer, or semitrailer, as severally defined in § 46.2-100, except trailers and
 744 semitrailers not designed or used to carry property and vehicles registered under § 46.2-700, with a gross
 745 vehicle weight rating or gross combination weight rating of 26,001 pounds or more, in which case no
 746 tax shall be imposed pursuant to subdivisions 1 and 3 of subsection A of § 58.1-2402;

747 24. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a
 748 Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of
 749 whether other beneficiaries of the trust may also be named in the trust instrument, when no
 750 consideration has passed between the titleholder and the beneficiaries; and transferred to the original
 751 titleholder from the trustees holding title to the motor vehicle;

752 25-24. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the
 753 beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be
 754 named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust
 755 following the death of the grantor, when no consideration has passed between the grantor and the
 756 beneficiaries in either case;

757 26-25. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if
 758 the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with
 759 respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of
 760 the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has
 761 been paid to the Commonwealth by the lessee purchasing the vehicle; or

762 27-26. Titled in the name of a deceased person and transferred to the spouse or heir, or under the
 763 will, of such deceased person.

764 § 58.1-2403. (Effective July 1, 2012) Exemptions.

765 No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

- 766 1. Sold to or used by the United States government or any governmental agency thereof;
- 767 2. Sold to or used by the Commonwealth of Virginia or any political subdivision thereof;
- 768 3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;
- 769 4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any
 770 other recognized Indian tribe of the Commonwealth living on the tribal reservation;
- 771 5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the
 772 lienholder;

773 6. A manufactured home permanently attached to real estate and included in the sale of real estate;

774 7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse,
 775 this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the
 776 transfer;

777 8. Transferred from an individual or partnership to a corporation or limited liability company or from
 778 a corporation or limited liability company to an individual or partnership if the transfer is incidental to
 779 the formation, organization or dissolution of a corporation or limited liability company in which the
 780 individual or partnership holds the majority interest;

781 9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent
 782 corporation to a wholly owned subsidiary;

783 10. Being registered for the first time in this Commonwealth and the applicant holds a valid,
 784 assignable title or registration issued to him by another state or a branch of the United States Armed
 785 Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less
 786 than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has
 787 been purchased by the applicant within the last 12 months and the applicant is unable to provide
 788 evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the
 789 fair market value of the vehicle at the time of registration in Virginia;

790 11. a. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale; or

791 b. Titled in the name of an automotive manufacturer having its headquarters in Virginia, except for
 792 any commercially leased vehicle that is not described under subdivision 3 of § 46.2-602.2. For purposes
 793 of this subdivision, "automotive manufacturer" and "headquarters" means the same as such terms are
 794 defined in § 46.2-602.2;

795 12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban
 796 bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles,

797 one way, on the same day;

798 13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole
799 purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than
800 Virginia;

801 14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for
802 the use of a church conducted not for profit;

803 15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the
804 instruction of driver's education when such education is a part of such school's curriculum for full-time
805 students;

806 16. Sold to an insurance company or local government group self-insurance pool, created pursuant to
807 § 15.2-2703, for the sole purpose of disposition when such company or pool has paid the registered
808 owner of such vehicle a total loss claim;

809 17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of
810 foreign governments, their employees or agents, and members of their families, if such persons are
811 nationals of the state by which they are appointed and are not citizens of the United States;

812 18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a
813 nonprofit hospital or a cooperative hospital service organization as described in § 501(e) of the United
814 States Internal Revenue Code;

815 19. A motor vehicle having seats for more than seven passengers and sold to a restricted common
816 carrier or common carrier of passengers;

817 20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic
818 or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital
819 service organization as described in § 501(e) of the United States Internal Revenue Code, or a nonprofit
820 corporation as defined in § 501(c)(3) of the Internal Revenue Code, established for research in, diagnosis
821 of, or therapy for human ailments;

822 21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501(c)(3)
823 of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such
824 organization;

825 22. A motor vehicle sold to an organization which is exempt from taxation under § 501(c)(3) of the
826 Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing,
827 medicines and other necessities of life to, and providing shelter for, needy persons in the United States
828 and throughout the world;

829 ~~23. A truck, tractor truck, trailer, or semitrailer, as severally defined in § 46.2-100, except trailers and~~
830 ~~semitrailers not designed or used to carry property and vehicles registered under § 46.2-700, with a gross~~
831 ~~vehicle weight rating or gross combination weight rating of 26,001 pounds or more, in which case no~~
832 ~~tax shall be imposed pursuant to subdivision A 1 of § 58.1-2402;~~

833 24. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a
834 Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of
835 whether other beneficiaries of the trust may also be named in the trust instrument, when no
836 consideration has passed between the titleholder and the beneficiaries; and transferred to the original
837 titleholder from the trustees holding title to the motor vehicle;

838 ~~25-24.~~ Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the
839 beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be
840 named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust
841 following the death of the grantor, when no consideration has passed between the grantor and the
842 beneficiaries in either case;

843 ~~26-25.~~ Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if
844 the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with
845 respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of
846 the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has
847 been paid to the Commonwealth by the lessee purchasing the vehicle; or

848 ~~27-26.~~ Titled in the name of a deceased person and transferred to the spouse or heir, or under the
849 will, of such deceased person.

850 § 58.1-2700.1. Interstate motor carrier road tax.

851 In accordance with the provisions of IFTA, as amended, ~~the all motor carriers that operate or cause~~
852 ~~to be operated one or more qualified highway vehicles in the Commonwealth and at least one other~~
853 ~~jurisdiction participating in IFTA shall apply to the Department for an IFTA license and identification~~
854 ~~markers. The Department shall issue a license and vehicle identification markers to each carrier that~~
855 ~~operates qualified highway vehicles in the Commonwealth and at least one other jurisdiction~~
856 ~~participating in IFTA so as to report its road tax liabilities. The Department may issue vehicle~~
857 ~~identification markers to carriers that operate qualified highway vehicles in the Commonwealth and at~~
858 ~~least one other jurisdiction not participating in IFTA. Each application shall contain the name and~~

859 address of the carrier, and such other information as may be required by the Department.
860 The Department shall issue to the motor carrier identification markers for each vehicle in the carrier's
861 fleet that will be operated within the Commonwealth.
862 The identification markers issued to the vehicles of the IFTA-licensed carriers shall expire on
863 December 31 of each year. All other identification markers issued to carriers shall expire on June 30 of
864 each year. The identification markers may be renewed prior to expiration provided (i) the carrier's
865 privilege to operate vehicles in the Commonwealth has not been revoked or canceled, (ii) all required
866 tax reports have been filed, and (iii) all road taxes, penalties, and interest due have been paid.
867 The cost of the identification markers issued to each vehicle in the carrier's fleet shall be ten dollars
868 per vehicle.
869 The Department may, by letter, telegram, or other electronic means, authorize a vehicle to be
870 operated without identification markers for not more than ten days. Before sending such authorization,
871 the Department shall collect from the carrier a fee of twenty dollars for each vehicle so operated.
872 § 58.1-2700.2. Motor carriers subject to terms of the International Fuel Tax Agreement; placement of
873 identification markers.
874 *All motor carriers that operate one or more qualified highway vehicles on an interstate basis are*
875 *subject to and shall abide by all terms and conditions of IFTA that are applicable to motor carriers or*
876 *operators of qualified highway vehicles. All carriers licensed by the Department pursuant to this chapter*
877 *or IFTA shall place the any required identification markers issued by the Department on each vehicle in*
878 *the carrier's fleet in the place prescribed by the Department.*
879 § 58.1-2712.1. International Fuel Tax Agreement.
880 The Department may, with the approval of the Governor, enter into the International Fuel Tax
881 Agreement IFTA for interstate motor carriers and abide by the requirements set forth in the Agreement
882 IFTA. *All motor carriers that operate one or more qualified highway vehicles on an interstate basis are*
883 *subject to and shall abide by all terms and conditions of IFTA that are applicable to motor carriers or*
884 *operators of qualified highway vehicles. All requirements of the Agreement IFTA shall also apply to*
885 *motor carriers operating in intrastate commerce unless specific requirements are determined by the*
886 *Department to be not in the best interest of the motor carrier industry.*
887 **2. That §§ 46.2-2099.2, 46.2-2099.3, 46.2-2099.7 through 46.2-2099.10, 46.2-2099.12, 46.2-2099.13**
888 **through 46.2-2099.16, 46.2-2116, 46.2-2119, and 46.2-2123 of the Code of Virginia are repealed.**