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HOUSE BILL NO. 533

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 46.2-694 of the Code of Virginia, as it is currently effective and as it may become effective, relating to Four-for-Life funds.

Patron—Orrock

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-694 of the Code of Virginia, as it is currently effective and as it may become effective, is amended and reenacted as follows:

§ 46.2-694. (Contingent expiration date - see Editor's note) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Thirty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents (\$0.30) per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults including the driver if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents (\$0.30) per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus 30 cents (\$0.30) per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus 70 cents (\$0.70) per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of 70 cents (\$0.70) per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned

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59 registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the
60 Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

61 8. Thirteen dollars plus *80 cents* (\$0.80) per 100 pounds or major fraction thereof for each motor
62 vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a
63 chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle
64 weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

65 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a
66 chauffeur for the transportation of passengers, and which operates or should operate under permits issued
67 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs
68 more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

69 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
70 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

71 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for
72 the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of
73 the vehicle exceeds 4,000 pounds, the fee shall be \$28.

74 12. Thirteen dollars plus *70 cents* (\$0.70) per 100 pounds or major fraction thereof for other
75 passenger-carrying vehicles.

76 13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of
77 each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of ~~this subsection~~.
78 All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside
79 as a special fund to be used only for emergency medical service purposes. *The moneys in the special*
80 *fund shall not be subject to reallocation by the General Assembly in the annual budget bill, but shall*
81 *only be made pursuant to legislation that has been reviewed by the House Health, Welfare and*
82 *Institutions Committee and the Senate Committee on Education and Health.* The moneys in the special
83 emergency medical services fund shall be distributed as follows:

84 a. Two percent shall be distributed to the State Department of Health to provide funding to the
85 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
86 volunteer recruitment, retention and training activities;

87 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
88 medical services training programs (excluding advanced life support classes); (ii) advanced life support
89 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
90 retain volunteer emergency medical services personnel only, including public awareness campaigns,
91 technical assistance programs, and similar activities); (iv) emergency medical services system
92 development, initiatives, and priorities based on needs identified by the State Emergency Medical
93 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical
94 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication
95 enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for
96 distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to
97 the Rescue Squad Assistance Fund;

98 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

99 d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical
100 Services for use in emergency medical services; and

101 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is
102 registered, to provide funding for training of volunteer or salaried emergency medical service personnel
103 of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment
104 and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

105 All revenues generated by the remaining *25 cents* (\$0.25) of the \$4.25 fee approved by the 2008
106 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used
107 only to pay for the costs associated with the certification and recertification training of emergency
108 medical services personnel.

109 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these
110 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall
111 be in addition to any local appropriations, and local governing bodies shall not use these funds to
112 supplant local funds. Each local governing body shall report annually to the Board of Health on the use
113 of the funds returned to it pursuant to this section. In any case in which the local governing body grants
114 the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit
115 emergency medical and rescue services, the local governing body shall remain responsible for the proper
116 use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the
117 locality pursuant to this section for that year has not been received from a local governing body, any
118 funds due to that local governing body for the next fiscal year shall be retained until such time as the
119 report has been submitted to the Board.

120 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646

shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-694. (Contingent effective date - see Editor's note) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Twenty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents (\$0.30) per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults including the driver if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

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5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus 30 cents (\$0.30) per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus 70 cents (\$0.70) per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of 70 cents (\$0.70) per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus 80 cents (\$0.80) per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a

chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus 70 cents (\$0.70) per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. *The moneys in the special fund shall not be subject to reallocation by the General Assembly in the annual budget bill, but shall only be made pursuant to legislation that has been reviewed by the House Health, Welfare and Institutions Committee and the Senate Committee on Education and Health.* The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining 25 cents (\$0.25) of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the

244 Commissioner or to his authorized agent.