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HOUSE BILL NO. 214

Offered January 8, 2014

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A BILL to amend and reenact §§ 46.2-698 and 46.2-730 of the Code of Virginia, relating to registration of farm vehicles and antique vehicles.

Patron—Marshall, D.W.

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-698 and 46.2-730 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-698. Fees for farm vehicles.**

A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.2-697 and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee to be paid for each farm vehicle shall not be less than \$15.

B. A farm motor vehicle is used exclusively for farm use:

1. When owned by a ~~person~~ *resident of Virginia* who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

a. Used in the transportation of agricultural products of the farm he is working to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm he is working, or when used for any other transportation incidental to the regular operation of such farm;

b. Used in transporting forest products, including forest materials originating on a farm or incident to the regular operation of a farm, to the farm he is working or transporting for any purpose forest products which originate on the farm he is working; or

c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by him, pursuant to a mutual cooperative agreement.

2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, or securing other household or family necessities.

C. As used in this section, the term "farm" means one or more areas of land used for the production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural, viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other farm products.

D. The first application for registration of a vehicle under this section shall be made on forms provided by the Department and shall include:

1. The location and acreage of each farm on which the vehicle to be registered is to be used;

2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms and the approximate amounts produced annually;

3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for one or more of the purposes specified in subsection B of this section; and

4. Other information required by the Department.

The above information is not required for the renewal of a vehicle's registration under this section.

E. The Department shall issue appropriately designated license plates for those motor vehicles registered under this section. The manner in which such license plates are designated shall be at the discretion of the Commissioner.

F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the operation of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on any highway in the Commonwealth without first having paid the prescribed registration fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for

INTRODUCED

HB214

59 purposes other than as provided under subsection B of this section; or (iii) operate as a for-hire vehicle.

60 G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under
61 §§ 46.2-664 through 46.2-670.

62 H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used
63 by volunteer rescue squad members and volunteer firefighters in responding to emergency calls, in
64 reporting for regular duty, and in attending squad meetings and drills.

65 **§ 46.2-730. License plates for antique motor vehicles and antique trailers; fee.**

66 A. On receipt of an application and evidence that the applicant *is a resident of Virginia and* owns or
67 has regular use of another passenger car or motorcycle, the Commissioner shall issue appropriately
68 designed license plates to owners of antique motor vehicles and antique trailers. These license plates
69 shall be valid so long as title to the vehicle is vested in the applicant. The fee for the registration card
70 and license plates of any of these vehicles shall be a one-time fee of \$50.

71 B. On receipt of an application and evidence that the applicant *is a resident of Virginia and* owns or
72 has regular use of another passenger car or motorcycle, the Commissioner may authorize for use on
73 antique motor vehicles and antique trailers Virginia license plates manufactured prior to 1976 and
74 designed for use without decals, if such license plates are embossed with or are of the same year of
75 issue as the model year of the antique motor vehicle or antique trailer on which they are to be
76 displayed. Original metal year tabs issued in place of license plates for years 1943 and 1952 and used
77 with license plates issued in 1942 and 1951, respectively, also may be authorized by the Commissioner
78 for use on antique motor vehicles and antique trailers that are of the same model year as the year the
79 metal tab was originally issued. These license plates and metal tabs shall remain valid so long as title to
80 the vehicle is vested in the applicant. The fee for the registration card and permission to use the license
81 plates and metal tabs on any of these vehicles shall be a one-time fee of \$50. If more than one request
82 is made for use, as provided in this section, of license plates having the same number, the Department
83 shall accept only the first such application.

84 C. Notwithstanding the provisions of §§ 46.2-711 and 46.2-715, antique motor vehicles may display
85 single license plates if the original manufacturer's design of the antique motor vehicles allows for the
86 use of only single license plates or if the license plate was originally issued in one of the following
87 years and is displayed in accordance with the provisions of subsection B of this section: 1906, 1907,
88 1908, 1909, 1945, or 1946.

89 D. Antique motor vehicles and antique trailers registered with license plates issued or authorized for
90 use under this section shall not be used for general transportation purposes, including, but not limited to,
91 daily travel to and from the owner's place of employment, but shall only be used:

92 1. For participation in club activities, exhibits, tours, parades, and similar events;

93 2. On the highways of the Commonwealth for the purpose of testing their operation or selling the
94 vehicle or trailer, obtaining repairs or maintenance, transportation to and from events as described in
95 subdivision 1 of this subsection, and for occasional pleasure driving not exceeding 250 miles from the
96 residence of the owner; and

97 3. To carry or transport (i) passengers in the antique motor vehicles, (ii) personal effects in the
98 antique motor vehicles and antique trailers, or (iii) other antique motor vehicles being transported for
99 show purposes.

100 The registration card issued to an antique motor vehicle or an antique trailer registered pursuant to
101 subsections A, B, and C shall indicate such vehicle or trailer is for limited use.

102 E. Owners of motor vehicles and trailers applying for registration pursuant to subsections A, B and C
103 shall submit to the Department, in the manner prescribed by the Department, certifications that such
104 vehicles or trailers are capable of being safely operated on the highways of the Commonwealth.

105 Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle or trailer
106 registered with license plates issued under this section that the Department or the Department of State
107 Police determines is not properly equipped or otherwise unsafe to operate. Any law-enforcement officer
108 shall take possession of the license plates, registration card and decals, if any, of any vehicle or trailer
109 registered with license plates issued under this section when he observes any defect in such vehicle or
110 trailer as set forth in § 46.2-1000.

111 F. Antique motor vehicles and antique trailers displaying license plates issued or authorized for use
112 pursuant to subsections B and C of this section may be used for general transportation purposes if the
113 following conditions are met:

114 1. The physical condition of the vehicle's license plate or plates has been inspected and approved by
115 the Department;

116 2. The license plate or plates are registered to the specific vehicle by the Department;

117 3. The owner of the vehicle periodically registers the vehicle with the Department and pays a
118 registration fee for the vehicle equal to that which would be charged to obtain regular state license
119 plates for that vehicle;

120 4. The vehicle passes a periodic safety inspection as provided in Article 21 (§ 46.2-1157 et seq.) of

Chapter 10 of this title;

5. The vehicle displays current decals attached to the license plate, issued by the Department, indicating the valid registration period for the vehicle; and

6. When applicable, the vehicle meets the requirement of Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of this title.

If more than one request is made for use, as provided in this subsection, of license plates having the same number, the Department shall accept only the first such application. Only vehicles titled to the person seeking to use license plates as provided in this subsection shall be eligible to use license plates as provided in this subsection.

G. Nothing in this section shall be construed as prohibiting the use of an antique motor vehicle to tow a trailer or semitrailer.

H. Any owner of an antique motor vehicle or antique trailer registered with license plates pursuant to this section who is convicted of a violation of this section shall be guilty of a Class 4 misdemeanor. Upon receiving a record of conviction of a violation of this section, the Department shall revoke and not reinstate the owner's privilege to register the vehicle operated in violation of this section with license plates issued or authorized for use pursuant to this section for a period of five years from the date of conviction.

I. Except for the one-time \$50 registration fee prescribed in subsections A and B, the provisions of this section shall apply to all owners of vehicles and trailers registered with license plates issued under this section prior to July 1, 2007. Such owners shall, based on a schedule and a manner prescribed by the Department, (i) provide evidence that they own or have regular use of another passenger car or motorcycle, as required under subsections A and B, and (ii) comply with the certification provisions of subsection E. The Department shall cancel the registrations of vehicles owned by persons that, prior to January 1, 2008, do not provide the Department (i) evidence of owning or having regular use of another passenger car or motorcycle as required under subsections A and B, and (ii) the certification required pursuant to subsection E.