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SENATE BILL NO. 496

Offered January 8, 2014

Prefiled January 8, 2014

A BILL to amend and reenact §§ 2.2-2801, 9.1-101, 15.2-1124, 19.2-74, 19.2-81, and 46.2-752 of the Code of Virginia and to repeal Article 4 (§§ 15.2-1737 through 15.2-1746) of Chapter 17 of Title 15.2 of the Code of Virginia, relating to special police officers in localities.

Patron—Norment

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2801, 9.1-101, 15.2-1124, 19.2-74, 19.2-81, and 46.2-752 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2801. Disability to hold state office; exceptions.

A. Section 2.2-2800 shall not be construed to prevent:

1. Members of Congress from acting as visitors of the University of Virginia or the Virginia Military Institute, or from holding offices in the militia;

2. United States commissioners or United States census enumerators, supervisors, or the clerks under the supervisor of the United States census, or fourth-class or third-class postmasters, or United States caretakers of the Virginia National Guard, from acting as notaries, school board selection commission members, or supervisors, or from holding any district office under the government of any county, or the office of councilman of any town or city in the Commonwealth;

3. Any United States rural mail carrier, or star route mail carrier from being appointed and acting as notary public or holding any county or district office;

4. Any civilian employee of the United States government from being appointed and acting as notary public;

5. Any United States commissioners or United States park commissioners from holding the office of commissioner in chancery, bail commissioner, jury commissioner, commissioner of accounts, assistant commissioner of accounts, substitute or assistant civil justice, or assistant judge of a municipal court of any city or assistant judge of a juvenile and domestic relations district court of any city, or judge of any county court or juvenile and domestic relations district court of any county, or the municipal court or court of limited jurisdiction, by whatever name designated, of any incorporated town;

6. Any person employed by, or holding office or a post of profit, trust or emolument, civil, legislative, executive or judicial, under the government of the United States, from being a member of the militia or holding office therein, or from being a member or director of any board, council, commission or institution of the Commonwealth who serves without compensation except one who serves on a per diem compensation basis;

7. Foremen, quartermen, leading men, artisans, clerks or laborers, employed in any navy yard or naval reservation in Virginia from holding any office under the government of any city, town or county in the Commonwealth;

8. Any United States government clerk from holding any office under the government of any town or city; ~~or from being appointed as special policeman for a county by the circuit court or judge thereof as provided for in § 15.2-1737;~~

9. Any person holding an office under the United States government from holding a position under the management and control of the State Board of Health;

10. Any state federal director of the Commonwealth in the employment service of the United States Department of Labor from holding the office of Commissioner of Labor of the Commonwealth;

11. Clerks and employees of the federal government engaged in the departmental service in Washington from acting as school trustees;

12. Any person, who is otherwise eligible, from serving as a member of the governing body or school board of any county, city or town, or as a member of any public body who is appointed by such governing body or school board, or as an appointive officer or employee of any county, city or town or the school board thereof;

13. Game management agents of the United States Fish and Wildlife Service or United States deputy game wardens from acting as special conservation police officers;

14. Any appointive state or local official or employee from serving, with compensation, on an advisory board of the federal government;

15. Any state or local law-enforcement officer from serving as a United States law-enforcement

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59 officer; however, this subdivision shall not be construed to authorize any law-enforcement officer to
60 receive double compensation;

61 16. Any United States law-enforcement officer from serving as a state or local law-enforcement
62 officer when requested by the chief law-enforcement officer of the subject jurisdiction; however, this
63 subdivision shall not be construed to authorize any law-enforcement officer to receive double
64 compensation;

65 17. Any attorney for the Commonwealth or assistant attorney for the Commonwealth from serving as
66 or performing the duties of a special assistant United States attorney or assistant United States attorney;
67 however, this subdivision shall not be construed to authorize any attorney for the Commonwealth or
68 assistant attorney for the Commonwealth to receive double compensation;

69 18. Any assistant United States attorney from serving as or performing the duties of an assistant
70 attorney for the Commonwealth when requested by the attorney for the Commonwealth of the subject
71 jurisdiction; however, this subdivision shall not be construed to authorize any assistant United States
72 attorney to receive double compensation;

73 19. Any elected state or local official from serving, without compensation, on an advisory board of
74 the federal government; however, this subdivision shall not be construed to prohibit reimbursement for
75 actual expenses;

76 20. Sheriffs' deputies from patrolling federal lands pursuant to contracts between federal agencies and
77 local sheriffs;

78 21. State judicial officers from performing acts or functions with respect to United States criminal
79 proceedings when such acts or functions are authorized by federal law to be performed by state judicial
80 officers; or

81 22. Any member of the Armed Forces of the United States from serving on the Virginia Military
82 Advisory Council or the Virginia Offshore Wind Development Authority.

83 B. Nor shall § 2.2-2800 be construed to exclude:

84 1. A person to whom a pension has been granted by the United States or who receives retirement
85 compensation in any manner from the United States, or any person receiving or entitled to receive
86 benefits under the Federal Old-Age and Survivors' Insurance System or under the Federal Railroad
87 Retirement Act.

88 2. Officers or soldiers on account of the recompense they may receive from the United States when
89 called out in actual duty.

90 **§ 9.1-101. Definitions.**

91 As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires
92 a different meaning:

93 "Administration of criminal justice" means performance of any activity directly involving the
94 detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,
95 correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection,
96 storage, and dissemination of criminal history record information.

97 "Board" means the Criminal Justice Services Board.

98 "Conviction data" means information in the custody of any criminal justice agency relating to a
99 judgment of conviction, and the consequences arising therefrom, in any court.

100 "Correctional status information" means records and data concerning each condition of a convicted
101 person's custodial status, including probation, confinement, work release, study release, escape, or
102 termination of custody through expiration of sentence, parole, pardon, or court decision.

103 "Criminal history record information" means records and data collected by criminal justice agencies
104 on adult individuals consisting of identifiable descriptions and notations of arrests, detentions,
105 indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall
106 not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title
107 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional
108 status information.

109 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof
110 which as its principal function performs the administration of criminal justice and any other agency or
111 subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for
112 the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which,
113 within the context of its criminal justice activities, employs officers appointed under § 15.2-1737, or
114 special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.) of
115 Title 19.2, provided that (a) such private corporation or agency requires its officers, or special
116 conservators or special policemen to meet compulsory training standards established by the Criminal
117 Justice Services Board and submits reports of compliance with the training standards and (b) the private
118 corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the
119 extent that the private corporation or agency so designated as a criminal justice agency performs
120 criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities

otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the State Lottery Department; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632; or (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

§ 15.2-1124. Police jurisdiction over lands, buildings and structures; jurisdiction of offenses; appeals; jurisdiction in certain public buildings with magistrate's offices.

A. Lands, buildings or structures provided and operated by a municipality for any purpose defined in this article shall be under the police jurisdiction of the municipal corporation for the enforcement of its regulations respecting the use or occupancy thereof. All ~~regular and special~~ police officers of the municipal corporation shall have jurisdiction to make arrests on such land and in such buildings or structures for violations of such regulations. Such criminal case shall be prosecuted in the locality in which the offense was committed.

B. In any public building that is located in Henry County adjoining a municipal corporation and that contains a magistrate's office which serves the municipal corporation, the sheriff, any deputy sheriff, and any police officer of the municipal corporation shall have the same powers which such sheriff, deputy sheriff or police officer would have in the municipal corporation itself. The courts of the municipal corporation and the locality in which such public building is located shall have concurrent jurisdiction of any offense committed against or any escape from any such sheriff, deputy sheriff, or police officer in such public building, provided that the sheriff, deputy sheriff, or police officer was present in the public building while in the performance of his official duties. Such police powers and concurrent jurisdiction shall also apply during travel between the municipal corporation and the public building by such sheriff, deputy sheriffs, and police officers while in the performance of their official duties. For purposes of this subsection, a "public building" shall include the surrounding grounds of such building.

§ 19.2-74. Issuance and service of summons in place of warrant in misdemeanor case; issuance of summons by special conservators of the peace.

A. 1. Whenever any person is detained by or is in the custody of an arresting officer for any violation committed in such officer's presence which offense is a violation of any county, city or town ordinance or of any provision of this Code punishable as a Class 1 or Class 2 misdemeanor or any other misdemeanor for which he may receive a jail sentence, except as otherwise provided in Title 46.2, or for offenses listed in subsection D of § 19.2-81, or an arrest on a warrant charging an offense for which a

182 summons may be issued, and when specifically authorized by the judicial officer issuing the warrant, the
183 arresting officer shall take the name and address of such person and issue a summons or otherwise
184 notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the
185 giving by such person of his written promise to appear at such time and place, the officer shall forthwith
186 release him from custody. However, if any such person shall fail or refuse to discontinue the unlawful
187 act, the officer may proceed according to the provisions of § 19.2-82.

188 Anything in this section to the contrary notwithstanding, if any person is believed by the arresting
189 officer to be likely to disregard a summons issued under the provisions of this subsection, or if any
190 person is reasonably believed by the arresting officer to be likely to cause harm to himself or to any
191 other person, a magistrate or other issuing authority having jurisdiction shall proceed according to the
192 provisions of § 19.2-82.

193 2. Whenever any person is detained by or is in the custody of an arresting officer for a violation of
194 any county, city, or town ordinance or of any provision of this Code, punishable as a Class 3 or Class 4
195 misdemeanor or any other misdemeanor for which he cannot receive a jail sentence, except as otherwise
196 provided in Title 46.2, or to the offense of public drunkenness as defined in § 18.2-388, the arresting
197 officer shall take the name and address of such person and issue a summons or otherwise notify him in
198 writing to appear at a time and place to be specified in such summons or notice. Upon the giving of
199 such person of his written promise to appear at such time and place, the officer shall forthwith release
200 him from custody. However, if any such person shall fail or refuse to discontinue the unlawful act, the
201 officer may proceed according to the provisions of § 19.2-82.

202 3. Any person so summoned shall not be held in custody after the issuance of such summons for the
203 purpose of complying with the requirements of Chapter 23 (§ 19.2-387 et seq.) of this title. Reports to
204 the Central Criminal Records Exchange concerning such persons shall be made after a disposition of
205 guilt is entered as provided for in § 19.2-390.

206 Any person refusing to give such written promise to appear under the provisions of this section shall
207 be taken immediately by the arresting or other police officer before a magistrate or other issuing
208 authority having jurisdiction, who shall proceed according to provisions of § 19.2-82.

209 Any person who willfully violates his written promise to appear, given in accordance with this
210 section, shall be treated in accordance with the provisions of § 19.2-128, regardless of the disposition of,
211 and in addition to, the charge upon which he was originally arrested.

212 Any person charged with committing any violation of § 18.2-407 may be arrested and immediately
213 brought before a magistrate who shall proceed as provided in § 19.2-82.

214 B. ~~Special policemen of the counties as provided in § 15.2-1737, special policemen or conservators~~
215 ~~Conservators~~ of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of this title and special
216 ~~policemen appointed by authority of a city's charter~~ may issue summonses pursuant to this section, if
217 such officers are in uniform; or displaying a badge of office. On application, the chief law-enforcement
218 officer of the county or city shall supply each officer with a supply of summons forms, for which such
219 officer shall account pursuant to regulation of such chief law-enforcement officer.

220 C. The summons used by a law-enforcement officer pursuant to this section shall be in form the
221 same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388.

222 **§ 19.2-81. Arrest without warrant authorized in certain cases.**

223 A. The following officers shall have the powers of arrest as provided in this section:

- 224 1. Members of the State Police force of the Commonwealth;
- 225 2. Sheriffs of the various counties and cities, and their deputies;
- 226 3. Members of any county police force or any duly constituted police force of any city or town of
227 the Commonwealth;
- 228 4. The Commissioner, members and employees of the Marine Resources Commission granted the
229 power of arrest pursuant to § 28.2-900;
- 230 5. Regular conservation police officers appointed pursuant to § 29.1-200;
- 231 6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and
232 petty officers authorized under § 29.1-205 to make arrests;
- 233 7. ~~The special policemen of the counties as provided by § 15.2-1737, provided such officers are in~~
234 ~~uniform, or displaying a badge of office;~~
- 235 8. Conservation officers appointed pursuant to § 10.1-115;
- 236 9. 8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles
237 appointed pursuant to § 46.2-217;
- 238 10. 9. Special agents of the Department of Alcoholic Beverage Control; and
- 239 11. 10. Campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23.

240 B. Such officers may arrest without a warrant any person who commits any crime in the presence of
241 the officer and any person whom he has reasonable grounds or probable cause to suspect of having
242 committed a felony not in his presence.

243 Such officers may arrest without a warrant any person whom the officer has probable cause to

suspect of operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another officer, who may obtain a warrant based upon statements made to him by the arresting officer.

C. (Effective until July 1, 2014) Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in § 29.1-712 or motorboat, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest. For purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public.

C. (Effective July 1, 2014) Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest. For purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public.

D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether or not the offense was committed in such officer's presence. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4, whether or not the offense was committed in such officer's presence.

E. Such officers may arrest, without a warrant or a capias, persons duly charged with a crime in another jurisdiction upon receipt of a photocopy of a warrant or a capias, telegram, computer printout, facsimile printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably accurate description of such person wanted and the crime alleged.

F. Such officers may arrest, without a warrant or a capias, for an alleged misdemeanor not committed in his presence when the officer receives a radio message from his department or other law-enforcement agency within the Commonwealth that a warrant or capias for such offense is on file.

G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii) carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such property is located on premises used for business or commercial purposes, or a similar local ordinance, when any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense. The arresting officer may issue a summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty.

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the county when such town constitutes a separate school district if the vehicles are already subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater

305 than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or
306 semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods,
307 and subject to proration for fractional periods of years, as the proper local authorities may determine.

308 Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United
309 States in the armed services of the United States shall have a 90-day grace period, beginning on the date
310 they are no longer serving outside the United States, in which to comply with the requirements of this
311 section. For purposes of this section, "the armed services of the United States" includes active duty
312 service with the regular Armed Forces of the United States or the National Guard or other reserve
313 component.

314 Local licenses may be issued free of charge for any or all of the following:

315 1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and
316 bi-fuel vehicles,

317 2. Vehicles owned by volunteer rescue squads,

318 3. Vehicles owned by volunteer fire departments,

319 4. Vehicles owned or leased by active members or active auxiliary members of volunteer rescue
320 squads,

321 5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire
322 departments,

323 6. Vehicles owned or leased by auxiliary police officers,

324 7. Vehicles owned or leased by volunteer police chaplains,

325 8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under
326 § 46.2-739,

327 9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,

328 10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,

329 11. Vehicles owned by any of the following who served at least 10 years in the locality: former
330 members of volunteer rescue squads, former members of volunteer fire departments, former auxiliary
331 police officers, members and former members of authorized police volunteer citizen support units,
332 members and former members of authorized sheriff's volunteer citizen support units, former volunteer
333 police chaplains, and former volunteer special police officers appointed under *former* § 15.2-1737. In
334 the case of active members of volunteer rescue squads and volunteer fire departments, applications for
335 such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their
336 active membership, and no member shall be issued more than one such license free of charge,

337 12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,

338 13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more
339 than one such license free of charge,

340 14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than
341 one such license free of charge,

342 15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police
343 shall be issued more than one such license free of charge,

344 16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued
345 more than one such license free of charge,

346 17. Vehicles owned or leased by salaried emergency medical technicians; however no salaried
347 emergency medical technician shall be issued more than one such license free of charge,

348 18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated
349 by the Commonwealth,

350 19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates
351 under subsection A of § 46.2-743, and

352 20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of
353 the Virginia Defense Force shall be issued more than one such license free of charge.

354 The governing body of any county, city, or town issuing licenses under this section may by
355 ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license
356 issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount,
357 however, shall be available for more than one vehicle owned or leased by the same person.

358 The governing body of any county, city, or town issuing licenses free of charge under this subsection
359 may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an
360 otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who
361 has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for
362 such limitation, restriction, or denial.

363 The situs for the imposition of licensing fees under this section shall in all cases, except as
364 hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is
365 normally garaged, stored, or parked. If it cannot be determined where the personal property is normally
366 garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the

motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

B. The revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any county and any town within any such county may by agreement require that all personal property taxes assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.

C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evidence that all fees, including delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county for waste disposal services described herein, shall be paid to the treasurer of such county; however, in Wise County, the fee shall be paid to the county or its agent.

D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations provided in subsection D. The governing body of any county and the governing body of any town in that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license plate or decal in addition to the state plate shall be required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those fees and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or

town's ordinance does not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city or town any local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are

490 volunteers for fire departments or rescue squads within the jurisdiction of the particular county, city, or
491 town.
492 **2. That Article 4 (§§ 15.2-1737 through 15.2-1746) of Chapter 17 of Title 15.2 of the Code of**
493 **Virginia is repealed.**

INTRODUCED

SB496