

16104668D

## HOUSE BILL NO. 1190

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation  
on February 11, 2016)

(Patron Prior to Substitute—Delegate Greason)

A BILL to amend and reenact §§ 46.2-725 and 46.2-726 of the Code of Virginia, relating to special and personalized license plates; issuance to sex offenders.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-725 and 46.2-726 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-725. Special license plates, generally.

A. No series of special license plates shall be created or issued by the Commissioner or the Department except as authorized ~~in~~ pursuant to this article. No special license plates in any series not provided for ~~in~~ pursuant to this article and no registration decal for any such license plate shall be issued, reissued, or renewed on or after July 1, 1995. However, subject to the limitations contained in subdivisions 1 and 2 of subsection B of this section, the Commissioner may issue, when feasible, special license plates that are combinations of no more than two series of special license plates authorized ~~in~~ pursuant to this article and currently issued by the Department; in addition to the state registration fee, the fee for any such combination shall be equal to the sum of the fees for the two series plus the fee for reserved numbers and letters, if applicable. The provisions of subdivisions 1 and 2 of subsection B of this section shall not apply to special license plates that are combinations of two series of special license plates authorized ~~in~~ pursuant to this article and currently issued by the Department if one of the two combined designs, when feasible, incorporates or includes the international symbol of access.

B. Except as otherwise provided in this article:

1. No special license plates shall be considered for authorization by the General Assembly unless and until the individual, group, entity, organization, or other entity seeking the authorization of such special license plates shall have demonstrated to the satisfaction of the General Assembly that they meet the issuance requirements set forth in this subdivision. For the purposes of this article, each prepaid application shall be on a form prescribed by the Department and, excluding the vehicle registration fee, shall include the proposed or authorized fee for the issuance of the proposed or authorized special license plates and, if applicable, the annual fee for reserved numbers or letters prescribed under § 46.2-726. Once authorized by the General Assembly, no license plates provided for in this article shall be developed and issued by the Department until the Commissioner receives at least 450 prepaid applications therefor within 30 days of the effective date of the authorization associated with the applications. If the end of the 30-day period falls on a Saturday, Sunday, or holiday, the 30-day period shall end on the following business day.

2. No additional license plates shall be issued or reissued in any series that, after five or more years of issuance, has fewer than 200 active sets of plates. No such license plates shall be issued or reissued unless reauthorized by the General Assembly. Such reauthorized license plates shall remain subject to the provisions of this article.

3. The annual fee for the issuance of any license plates issued pursuant to this article shall be \$10 plus the prescribed fee for state license plates. Applications for all special license plates issued pursuant to this article shall be on forms prescribed by the Commissioner. All special license plates issued pursuant to this article shall be of designs prescribed by the Commissioner and shall bear unique letters and numerals, clearly distinguishable from any other license plate designs, and be readily identifiable by law-enforcement personnel.

No other state license plates shall be required on any vehicles bearing special license plates issued under the provisions of this article.

All fees collected by the Department under this article shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

C. The provisions of this article relating to registration fees shall apply only to those vehicles registered as passenger cars, motor homes, and pick-up or panel trucks, as defined in § 46.2-100. All other vehicle types registered with special license plates shall be subject to the appropriate special license plate fees, registration fees and other fees prescribed by law for such vehicle types.

D. For special license plates that generate revenues that are shared with entities other than the Department, hereinafter referred to as "revenue sharing special license plates," the General Assembly shall review all proposed revenue sharing special license plate authorizations to determine whether the revenues are to be shared with entities or organizations that (i) provide to the Commonwealth or its citizens a broad public service that is to be funded, in whole or in part, by the proposed revenue sharing

60 special license plate authorization and (ii) are at least one of the following:

- 61 1. A nonprofit corporation as defined in § 501(c) (3) of the United States Internal Revenue Code;
- 62 2. An agency, board, commission, or other entity established or operated by the Commonwealth;
- 63 3. A political subdivision of the Commonwealth; or
- 64 4. An institution of higher education whose main campus is located in Virginia.

65 No revenue sharing special license plate authorization shall be approved if, as determined by the  
66 General Assembly, it does not meet the criteria set forth in this subsection.

67 *E. No special license plates authorized pursuant to this article shall be issued to or renewed for any*  
68 *owner or co-owner of a vehicle who is registered pursuant to the Sex Offender and Crimes Against*  
69 *Minors Registry Act (§ 9.1-900 et seq.) if the design of such special license plates, including any logo,*  
70 *emblem, seal, or symbol therein, references children or children's programs or if any revenue-sharing*  
71 *provision authorized for such special license plates contributes, directly or indirectly, to any fund or*  
72 *program established for the benefit of children.*

73 **§ 46.2-726. License plates with reserved numbers or letters; fees.**

74 The Commissioner may, in his discretion, reserve license plates with certain registration numbers or  
75 letters or combinations thereof for issuance to persons requesting license plates so numbered and  
76 lettered. *However, no such reserve license plates shall be issued to or renewed for any owner or*  
77 *co-owner of a vehicle who is registered pursuant to the Sex Offender and Crimes Against Minors*  
78 *Registry Act (§9.1-900 et seq.) if the requested registration numbers or letters or combination thereof*  
79 *could be read, interpreted, or understood to be a reference to children.*

80 License plates with reserved numbers or letters may be issued for and displayed on emergency  
81 medical services vehicles operated by emergency medical services agencies.

82 The annual fee or, in the case of permanent license plates for trailers and semitrailers, the one-time  
83 fee, for the issuance of any license plates with reserved numbers or letters shall be \$10 plus the  
84 prescribed fee for state license plates. If those license plates with reserved numbers or letters are subject  
85 to an additional fee beyond the prescribed fee for state license plates, the fee for such special license  
86 plates with reserved numbers or letters shall be \$10 plus the additional fee for the special license plates  
87 plus the prescribed fee for state license plates.

88 The annual fee for reissuing license plates with the same combination of letters and numbers as  
89 license plates that were previously issued but not renewed shall be \$10 plus the prescribed fee for state  
90 license plates. If those license plates are special license plates subject to an additional fee beyond the  
91 prescribed fee for state license plates, the fee shall be \$10 plus the additional fee for the special license  
92 plates plus the prescribed fee for state license plates.