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HOUSE BILL NO. 948

Offered January 13, 2016

Prefiled January 12, 2016

A BILL to amend and reenact § 46.2-725 of the Code of Virginia, relating to revenue sharing special license plates; nonqualifying entities.

Patron—Keam

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-725 of the Code of Virginia is 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 this article. No special license plates in any series not provided for in 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 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 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

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

1. A nonprofit corporation as defined in § 501(c) (3) of the United States Internal Revenue Code;

2. An agency, board, commission, or other entity established or operated by the Commonwealth;

3. A political subdivision of the Commonwealth; ~~or~~

4. An institution of higher education whose main campus is located in Virginia*; or*

5. An entity or organization that does not meet the requirements of subdivisions 1 through 4, provided that the revenue generated by the license plates is used for elementary or secondary education.

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