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**SENATE BILL NO. 244**

Offered January 13, 2016

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*A BILL to amend and reenact §§ 30-133, 46.2-623, 46.2-2099.50, 58.1-3506, 58.1-3506.1, 58.1-3912, and 58.1-3916; to amend the Code of Virginia by adding in Title 58.1 a chapter numbered 35.2, consisting of sections numbered 58.1-3537 through 58.1-3541; and to repeal § 15.2-1636.20 and Chapter 35.1 (§§ 58.1-3523 through 58.1-3535) of Title 58.1 of the Code of Virginia, relating to replacing personal property tax relief with a local fuels tax.*

Patron—Petersen

Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 30-133, 46.2-623, 46.2-2099.50, 58.1-3506, 58.1-3506.1, 58.1-3912, and 58.1-3916 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 58.1 a chapter numbered 35.2, consisting of sections numbered 58.1-3537 through 58.1-3541, as follows:**

**§ 30-133. Duties and powers generally.**

A. The Auditor of Public Accounts shall audit all the accounts of every state department, officer, board, commission, institution or other agency handling any state funds. In the performance of such duties and the exercise of such powers he may employ the services of certified public accountants, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office.

B. The Auditor of Public Accounts shall review the information required in § 2.2-1501 to determine that state agencies are providing and reporting appropriate information on financial and performance measures, and the Auditor shall review the accuracy of the management systems used to accumulate and report the results. The Auditor shall report annually to the General Assembly the results of such audits and make recommendations, if indicated, for new or revised accountability or performance measures to be implemented for the agencies audited.

C. The Auditor of Public Accounts shall prepare, by November 1, a summary of the results of all of the audits and other oversight responsibilities performed for the most recently ended fiscal year. The Auditor of Public Accounts shall present this summary to the Senate Finance, House Appropriations and House Finance Committees on the day the Governor presents to the General Assembly the Executive Budget in accordance with §§ 2.2-1508 and 2.2-1509 or at the direction of the respective Chairman of the Senate Finance, House Appropriations or House Finance Committees at one of their committee meetings prior to the meeting above.

D. As part of his normal oversight responsibilities, the Auditor of Public Accounts shall incorporate into his audit procedures and processes a review process to ensure that the Commonwealth's payments to counties, cities, and towns under Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1 are consistent with the provisions of § 58.1-3524 58.1-3541. The Auditor of Public Accounts shall report to the Governor and the Chairman of the Senate Finance Committee annually any material failure by a locality or the Commonwealth to comply with the provisions of Chapter 35.1 of Title 58.1.

E. The Auditor of Public Accounts when called upon by the Governor shall examine the accounts of any institution maintained in whole or in part by the Commonwealth and, upon the direction of the Comptroller, shall examine the accounts of any officer required to settle his accounts with him; and upon the direction of any other state officer at the seat of government he shall examine the accounts of any person required to settle his accounts with such officer.

F. Upon the written request of any member of the General Assembly, the Auditor of Public Accounts shall furnish the requested information and provide technical assistance upon any matter requested by such member.

G. In compliance with the provisions of the federal Single Audit Act Amendments of 1996, Public Law 104-156, the Joint Legislative Audit and Review Commission may authorize the Auditor of Public Accounts to audit biennially the accounts pertaining to federal funds received by state departments, officers, boards, commissions, institutions or other agencies.

H. 1. The Auditor of Public Accounts shall compile and maintain on its Internet website a searchable database providing certain state expenditure, revenue, and demographic information as described in this subsection. In maintaining the database, the Auditor of Public Accounts shall work with and coordinate his efforts with the Joint Legislative Audit and Review Commission in obtaining, summarizing, and

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59 compiling the information to avoid duplication of efforts. The database shall be updated each year by  
60 October 15 to provide the information required in this subsection for the 10 most recently ended fiscal  
61 years of the Commonwealth.

62 The online database shall be made available to citizens of the Commonwealth to allow public access  
63 to historical revenue collections and appropriations with related demographic information, to the extent  
64 that the information is available and provided to the Auditor of Public Accounts. All state departments,  
65 courts officers, boards, commissions, institutions, or other agencies of the Commonwealth shall furnish  
66 all information requested by the Auditor of Public Accounts and shall cooperate with him to the fullest  
67 extent.

68 For purposes of reporting information and implementing the database pursuant to this subsection, the  
69 Auditor of Public Accounts shall include all appropriated funds and other sources under the control of  
70 state-supported institutions of higher education, except for the activity of private gifts, including  
71 endowment funds and unrestricted gifts referenced in § 23-9.2. The exclusion of this activity does not  
72 affect the public access to these records unless otherwise specifically exempted by law.

73 2. The database shall contain the following for each of the 10 most recently ended fiscal years of the  
74 Commonwealth:

75 a. Major categories of spending by each secretariat and for major agencies, to include for each  
76 agency and institution a register of all funds expended, showing vendor name, date of payment, amount,  
77 and a description of the type of expense, including also credit card purchases with the same information  
78 to the extent that the information exists;

79 b. The number of full-time state employees;

80 c. Total fiscal year revenues from state taxes, fees, and other charges, and total fiscal year revenues  
81 from state taxes, fees, and other charges computed on a per capita basis and as a percentage of personal  
82 income in the Commonwealth;

83 d. With regard to state taxes, fees, and other charges computed on a per capita basis and as a  
84 percentage of personal income, a comparison of such statistics for Virginia with the same statistics for  
85 other states;

86 e. Total fiscal year revenues from federal sources, including the major categories of spending for  
87 such revenues;

88 f. Total population and total population by various age groups including, but not limited to,  
89 school-age population and the population of persons 65 years of age and older;

90 g. Student enrollment in grades K through 12;

91 h. Enrollment in public institutions of higher education of the Commonwealth;

92 i. Enrollment in private institutions of higher education in the Commonwealth;

93 j. The annual prison population;

94 k. Virginia adjusted gross income and Virginia taxable income by various age groups;

95 l. The number of citizens in the Commonwealth receiving food stamps;

96 m. The number of driver's licenses issued;

97 n. The number of registered motor vehicles;

98 o. The number of full-time private sector employees;

99 p. The number of households;

100 q. The number of prepaid tuition contracts outstanding pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of  
101 Title 23 and the estimated total liability under such contracts;

102 r. Any state audit or report relating to the programs or activities of an agency;

103 s. Information on capital outlay payments including, but not limited to, project title, funding date,  
104 completion date, appropriations, year-to-date expenditures, and unexpended appropriations;

105 t. Annual bonded indebtedness that shall include, but not be limited to, the amount of the total  
106 original obligation stated in terms of principal and interest, the term of the obligation, the amounts of  
107 principal and interest previously paid to reduce the obligation, the balance remaining of the obligation,  
108 and any refinancing of the obligation; and

109 u. Other data as the Auditor deems appropriate relating to the Commonwealth of Virginia.

110 3. The Auditor of Public Accounts shall incorporate into the database the following additional  
111 elements as they become available through improved enterprise applications or other systems:

112 a. Commodities including, but not limited to, line item expenditures;

113 b. Virginia Performs data as it directly relates to funding actions or expenditures;

114 c. Descriptive purpose for funding action or expenditure;

115 d. Statute or act of General Assembly authorizing the issuance of bonds; and

116 e. Copies of actual grants and contracts.

117 4. By October 15 of each year, the Auditor shall also produce a paper copy or a computer file  
118 containing the information described in this subsection and shall distribute the copy or file to  
119 newspapers of general circulation in the Commonwealth. The distribution shall include the address of the  
120 Internet website for the searchable database.

I. As a part of audits conducted pursuant to subsection A, the Auditor of Public Accounts shall review compliance with requirements established pursuant to the provisions of § 2.2-519 and the requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).

**§ 46.2-623. Statements in application.**

A. Every application for a certificate of title shall contain (i) a statement of the applicant's title and of all liens or encumbrances on the vehicle and the names and addresses of all persons having any interest in the vehicle and the nature of every interest in the vehicle; (ii) the Social Security number, if any, of the owner and, if the application is in the name of an employer for a business vehicle, the employer's identification number assigned by the United States Internal Revenue Service; and (iii) a brief description of the vehicle to be titled or registered, including the name of the maker, the vehicle identification or serial number and, when titling or registering a new vehicle, the date of sale by the manufacturer or dealer to the person first operating the vehicle.

B. The lessor of a ~~qualifying vehicle, as defined in § 58.1-3523,~~ *passenger car, motorcycle, or pickup or panel truck leased pursuant to a contract requiring the lessee to pay the tangible personal property tax on such vehicle* shall send a report to the Department for each such qualifying vehicle containing (i) the name and address of the lessee as it appears in the lease contract; (ii) the social security number of the lessee; and (iii) the registration number of the vehicle as described under Article 1 (§ 46.2-600 et seq.) of Chapter 6.

C. Such lessor shall send a monthly report to the Department, by the fifteenth day of the month or such later day as may be prescribed in the guidelines promulgated under § 58.1-3532, listing any changes, additions or deletions to the information provided under subsection B as of the last day of the preceding month.

D. The application for title or registration shall contain such additional information as may be required by the Department.

E. The Department may require that an applicant present proof reasonably acceptable to the Department of the accuracy of information provided on the application, including proof of identity, and may refuse to issue a certificate of title until such proof has been provided.

**§ 46.2-2099.50. Requirements for TNC partner vehicles; registration with and identification markers issued by Department; identification markers issued by transportation network company.**

A. A TNC partner vehicle shall:

1. Be a personal vehicle;
2. Have a seating capacity of no more than eight persons, including the driver;
3. Be validly titled and registered in the Commonwealth or in another state;
4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;
5. Have a valid Virginia safety inspection and carry proof of that inspection in the vehicle;
6. Be covered under a TNC insurance policy meeting the requirements of § 46.2-2099.51 or 46.2-2099.52, as applicable; and
7. Be registered with the Department for use as a TNC partner vehicle and display an identification marker issued by the Department as provided in subsection B.

No TNC partner shall operate a TNC partner vehicle unless that vehicle meets the requirements of this subsection.

B. A vehicle owner, lessee, or TNC partner shall register a personal vehicle for use as a TNC partner vehicle. A TNC partner that is not the vehicle owner or lessee shall, prior to registering any TNC partner vehicle with the Department, secure the consent of each owner, lessor, and lessee of the vehicle as applicable for its registration as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner. A transportation network company shall have the option of registering a TNC partner vehicle on behalf of a TNC partner electronically through a secure portal maintained by the Department provided the TNC partner, if the TNC partner is not the vehicle owner or lessee, certifies that it has secured consent from each owner, lessor, and lessee of the vehicle for its registration as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner.

Prior to registering for use as a TNC partner vehicle any vehicle that has been titled and registered in another state, the vehicle owner or lessee, or a transportation network company on behalf of the owner or lessee, shall provide the Department with such information as the Department requires to establish a customer record for that person and that person's vehicle. A transportation network company shall have the option to submit this information electronically through a secure portal maintained by the Department.

For each TNC partner vehicle a transportation network company authorizes, the transportation network company or TNC partner shall provide to the Department, in a form acceptable to the Department, any information reasonably necessary for the Department to identify the vehicle and register it for use as a TNC partner vehicle.

182 Upon registering a vehicle for use as a TNC partner vehicle, the Department shall issue a temporary  
183 registration, an identification marker to the vehicle owner or lessee, and a registration card indicating the  
184 vehicle's registration for use as a TNC partner vehicle.

185 The Commissioner may deny, suspend, cancel, or revoke the TNC partner vehicle registration and  
186 identification marker for any of the following reasons: (i) the vehicle is not properly registered, (ii) the  
187 vehicle does not carry insurance as required by this article, (iii) the vehicle is sold, or (iv) the vehicle is  
188 used by a TNC partner in a manner not authorized by this chapter.

189 Registration of a TNC partner vehicle under this subsection shall remain valid until (a) the vehicle is  
190 no longer authorized to operate as a TNC partner vehicle by a transportation network company; (b) the  
191 TNC partner, vehicle owner, or lessee requests cancellation of the registration; (c) there is a transfer of  
192 vehicle ownership, other than a transfer from the lessor of the vehicle to the lessee; (d) the vehicle's  
193 lease terminates and ownership is not transferred to the lessee; or (e) the Department suspends, revokes,  
194 or cancels the registration of the vehicle for use as a TNC partner vehicle. The fee for the replacement  
195 of a lost, mutilated, or illegible identification marker or registration card shall be the same as the fee set  
196 forth in § 46.2-692 for the replacement of a decal or vehicle registration card. However, if the TNC  
197 partner vehicle is not titled and registered in Virginia, the replacement fee for an identification marker  
198 shall be \$40.

199 Any vehicle registered with the Department as a personal vehicle and subject to further registration  
200 as a TNC partner vehicle pursuant to this section shall be presumed to be used for nonbusiness purposes  
201 ~~for the purpose of determining whether it is a qualifying vehicle under § 58.1-3523~~ absent clear and  
202 convincing evidence to the contrary, and any registration pursuant to this section shall not create any  
203 presumption of business or commercial use of the vehicle or of business activity on the part of the TNC  
204 partner, for purposes of any state or local requirement.

205 C. Before authorizing a vehicle to be used as a TNC partner vehicle, a transportation network  
206 company shall confirm that the vehicle meets the requirements of subsection A and shall provide each  
207 TNC partner with proof of any TNC insurance policy maintained by the transportation network  
208 company.

209 For each TNC partner vehicle it authorizes, a transportation network company shall issue trade dress  
210 to the TNC partner associated with that vehicle. The trade dress shall be sufficient to identify the  
211 transportation network company or digital platform with which the vehicle is affiliated and shall be  
212 displayed in a manner that complies with Virginia law. The trade dress shall be of such size, shape, and  
213 color as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is  
214 not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness. The trade  
215 dress may take the form of a removable device that meets the identification and visibility requirements  
216 of this subsection.

217 The transportation network company shall submit to the Department proof that the transportation  
218 network company has established the trade dress required under this subsection by filing with the  
219 Department an illustration or photograph of the trade dress.

220 A TNC partner shall keep the trade dress issued under this subsection visible at all times while the  
221 vehicle is being operated as a TNC partner vehicle.

222 No person shall operate a vehicle bearing trade dress issued under this subsection without the  
223 authorization of the transportation network company issuing the trade dress.

224 D. Any information provided to the Department pursuant to this section, whether held by the  
225 Department or another public entity, shall not be subject to disclosure under the Virginia Freedom of  
226 Information Act (§ 2.2-3700 et seq.). Neither the Department nor any such public entity shall disclose  
227 any such information to a nongovernmental entity absent a court order or subpoena. In the event  
228 information provided pursuant to this section is sought through a court order or subpoena, the  
229 Department or other public entity shall promptly notify the transportation network company prior to  
230 disclosure so as to afford the transportation network company the opportunity to take appropriate actions  
231 to prevent disclosure. The Department shall not disclose such information to a governmental entity other  
232 than to enable that entity to perform its governmental function.

233 **§ 58.1-3506. Other classifications of tangible personal property for taxation.**

234 A. The items of property set forth below are each declared to be a separate class of property and  
235 shall constitute a classification for local taxation separate from other classifications of tangible personal  
236 property provided in this chapter:

- 237 1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- 238 b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
- 239 2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and  
240 operated by scheduled air carriers operating under certificates of public convenience and necessity issued  
241 by the State Corporation Commission or the Civil Aeronautics Board;
- 242 3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are  
243 not owned or operated by scheduled air carriers recognized under federal law, but not including any

aircraft described in subdivision 4;

4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;

5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;

6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;

7. Tangible personal property used in a research and development business;

8. Heavy construction machinery not used for business purposes, including land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;

9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;

10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;

11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;

12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;

13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;

15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member, or leased by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls or regularly performs other duties for the emergency medical services agency or fire department, and the motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or emergency medical services agency member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary member of the volunteer emergency medical services agency or fire department who regularly performs

duties for the emergency medical services agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who

serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline; and

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703.

46. Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$250. A county, city, or town may allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 46, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If a motor vehicle is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications. If computer equipment and peripherals used in a data center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer equipment and peripherals used in a data center shall be taxed at the lowest rate available under subdivision A 11, 26, 27, or 43.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

**§ 58.1-3506.1. Other classification for taxation of certain tangible personal property owned by certain elderly and handicapped persons.**

The governing body of any county, city or town may, by ordinance, levy a tax on one motor vehicle owned and used primarily by or for anyone at least 65 years of age or anyone found to be permanently and totally disabled, as defined in § 58.1-3506.3, at a different rate from the tax levied on other tangible personal property, upon such conditions as the ordinance may prescribe. Such rate shall not exceed the tangible personal property tax on the general class of tangible personal property. For purposes of this article, the term motor vehicle shall include only automobiles and pickup trucks. Any such motor vehicle owned by a husband and wife may qualify if either spouse is 65 or over or if either spouse is permanently and totally disabled. Notwithstanding any other provision of this section or article, for any automobile or pickup truck that is (i) a qualifying vehicle, as such term is defined in § 58.1-3523, and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 of this title for providing tangible personal property tax relief, the rate of tax levied pursuant to this article shall not exceed the rates of tax and rates of assessment required under such chapter.

#### CHAPTER 35.2. LOCAL FUELS TAX ACT.

**§ 58.1-3537. Title.**

*This chapter shall be known and may be cited as the "Local Fuels Tax Act."*

**§ 58.1-3538. Definitions.**



As used in this chapter, unless the context requires a different meaning:

"Commissioner" means the Commissioner of the Department of Motor Vehicles.

"Cost price" means the same as that term is defined in § 58.1-602, and also includes all federal and state excise taxes and storage tank fees paid by the distributor. "Cost price" does not include separately stated federal diesel fuel excise taxes, unless the distributor fails to exclude the federal diesel excise tax when collecting the tax imposed pursuant to this chapter.

"Department" means the Department of Motor Vehicles, acting directly or through its duly authorized officers and agents.

"Distributor" means (i) any person engaged in the business of selling fuels in the Commonwealth who brings, or causes to be brought, into the Commonwealth from outside the Commonwealth any fuels for sale, or any other person engaged in the business of selling fuels in the Commonwealth; (ii) any person who makes, manufactures, fabricates, processes, or stores fuels in the Commonwealth for sale in the Commonwealth; or (iii) any person engaged in the business of selling fuels outside the Commonwealth who ships or transports fuels to any person in the business of selling fuels in the Commonwealth.

"Fuel" means any fuel subject to tax under Chapter 22 (§ 58.1-2200 et seq.).

"Gross sales" means the same as that term is defined in § 58.1-602.

"Retail dealer" means any person, including a distributor, who sells fuel to a consumer or to any person for any purpose other than resale.

"Sale" means the same as that term is defined in § 58.1-602 and also includes the distribution of fuel by a distributor to itself as a retail dealer.

"Sales price" means the same as that term is defined in § 58.1-602 and also includes all transportation and delivery charges, regardless of whether the charges are separately stated on the invoice. "Sales price" does not include separately stated federal diesel fuel excise taxes, unless the distributor fails to exclude the federal diesel excise tax when collecting the tax imposed pursuant to this chapter.

**§ 58.1-3539. Levy of local fuels tax; collection; administration; penalties.**

A. In addition to taxes imposed pursuant to Chapters 22 (§ 58.1-2200 et seq.) and 22.1 (§ 58.1-2291 et seq.), the governing body of any county, city, or town may impose a local fuels tax on every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in the county, city, or town. The tax shall be imposed at a rate not to exceed five cents per gallon.

B. The tax imposed by this chapter shall be paid by the distributor, but the distributor shall separately state the amount of the tax and add such tax to the sales price or charge. Thereafter, such tax shall be a debt from the retail dealer to the distributor until paid and shall be recoverable at law in the same manner as other debts. No action at law or suit in equity under this chapter shall be maintained in the Commonwealth by any distributor who is not registered under § 58.1-2299.2 or is delinquent in the payment of taxes under this chapter. For purposes of this chapter, the registration requirements set forth in § 58.1-2299.2 shall apply, mutatis mutandis, to any person desiring to engage in the business of a distributor and to sell fuel to a retailer dealer for retail sale within any county, city, or town that imposes a tax pursuant to this chapter.

C. The provisions of §§ 58.1-2293, 58.1-2294, and 58.1-2296 through 58.1-2299.19 shall apply, mutatis mutandis, to the provisions of this chapter.

**§ 58.1-3540. Distribution of revenues.**

All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county, city, or town that has levied a tax pursuant to this chapter, after subtraction of the direct cost of administration by the Department, shall be deposited into special funds entitled "Special Fund Account of ....." The amounts deposited in the special funds shall be distributed monthly to the applicable county, city, or town.

**§ 58.1-3541. Reimbursement by the Commonwealth.**

A. Every county, city, or town in the Commonwealth shall certify to the Auditor of Public Accounts no later than July 1, 2019, the total amount of revenue collected in the prior fiscal year from the imposition of tangible personal property tax on privately owned motor vehicles used for nonbusiness purposes, including any payments received from the Commonwealth for tangible personal property tax relief pursuant to former § 58.1-3524. For taxable years beginning on and after January 1, 2019, each county, city, and town imposing a tax pursuant to this section shall be reimbursed by the Commonwealth in an amount equal to the difference between the total amount of tangible personal property tax revenues certified to the Auditor of Public Accounts pursuant to this section, and the amount of revenues that the locality generated, or would generate, by the imposition of a five-cents-per-gallon fuels tax pursuant to this chapter.

**§ 58.1-3912. Treasurers to mail certain bills to taxpayers; penalties; electronic transmission.**

A. The treasurer of every city and county shall, as soon as reasonably possible in each year, but not

later than 14 days prior to the due date of the taxes, send or cause to be sent by United States mail to each taxpayer assessed with taxes and levies for that year a bill or bills setting forth the amounts due. The treasurer may elect not to send a bill amounting to \$20 or less as shown by an assessment book in such treasurer's office. The treasurer may employ the services of a mailing service or other vendor for fulfilling the requirements of this section. The failure of any such treasurer to comply with this section shall be a Class 4 misdemeanor. Such treasurer shall be deemed in compliance with this section as to any taxes due on real estate if, upon certification by the obligee of any note or other evidence of debt secured by a mortgage or deed of trust on such real estate that an agreement has been made with the obligor in writing within the mortgage or deed of trust instrument that such arrangements be made, he mails the bill for such taxes to the obligee thereof. Upon nonpayment of taxes by either the obligee or obligor, a past-due tax bill will be sent to the taxpayer. No governing body shall publish the name of a taxpayer in connection with a tax debt for which a bill was not sent, without first sending a notice of deficiency to his last known address at least two weeks before such publication.

B. The governing body of any county, city or town may attach to or mail with all real estate and tangible personal property tax bills, prepared for taxpayers in such locality, information indicating how the tax rate charged upon such property and revenue derived therefrom is apportioned among the various services and governmental functions provided by the locality.

C. Notwithstanding the provisions of subsection A of this section, in any county which has adopted the urban county executive form of government, and in any county contiguous thereto which has adopted the county executive form of government, tangible personal property tax bills shall be mailed not later than 30 days prior to the due date of such taxes.

D. Notwithstanding the provisions of subsection A of this section, any county and town, the governing bodies of which mutually agree, shall be allowed to send, to each taxpayer assessed with taxes, by United States mail no later than 14 days prior to the due date of the taxes, a single real property tax bill and a single tangible personal property tax bill.

E. Beginning with tax year ~~2006~~ 2019, in addition to all other information currently appearing on tangible personal property tax bills, each such bill required to be sent pursuant to subsection A shall state on its face (i) ~~whether the vehicle is a qualifying vehicle as defined in § 58.1-3523;~~ (ii) a statement indicating the reduced tangible personal property tax rates applied to qualifying vehicles resulting from the Commonwealth's reimbursements for tangible personal property tax relief pursuant to § 58.1-3524; and the locality's tangible personal property tax rate for its general class of tangible personal property, provided that such statement shall not be required for tax bills in any county, city, or town that will not receive any reimbursement pursuant to subsection B of § 58.1-3524; (iii) the vehicle's registration number pursuant to § 46.2-604; ~~(iv)~~ (ii) the amount of tangible personal property tax levied on the vehicle; and ~~(v)~~ (iii) if the locality prorates personal property tax pursuant to § 58.1-3516, the number of months for which a bill is being sent.

F. 1. Notwithstanding the provisions of subsection A, the treasurer, consistent with guidelines promulgated by the Department of Taxation implementing the provisions of subdivision 2 of § 58.1-1820, may convey, with the written consent of the taxpayer, any tax bill by electronic means chosen by the taxpayer, including without limitation facsimile transmission or electronic mail (e-mail), in lieu of posting such bill by first-class mail. The treasurer conveying a bill by means authorized in this subdivision shall maintain a copy (in written form or electronic media) of the bill reflecting the date of transmission until such time as the bill has been satisfied or otherwise removed from the treasurer's books by operation of law. Transmission of a bill pursuant to this subsection shall have the same force and effect for all purposes arising under this subtitle as mailing to the taxpayer by first-class mail on the date of transmission.

2. The treasurer also may convey, with the consent of the taxpayer, any tax bill by permitting the taxpayer to access his tax bill online from a database on the treasurer's website. Consent of the taxpayer under this subdivision may be obtained by the taxpayer indicating his consent online on the website, subject to reasonable verification of the taxpayer's identity.

G. Any solid waste disposal fee imposed by a county may be attached to, mailed with, or stated on the appropriate real estate tax bill.

**§ 58.1-3916. Counties, cities, and towns may provide dates for filing returns, set penalties, interest, etc.**

Notwithstanding provisions contained in §§ 58.1-3518, 58.1-3900, 58.1-3913, 58.1-3915, and 58.1-3918, the governing body of any county, city, or town may provide by ordinance the time for filing local license applications and annual returns of taxable tangible personal property, machinery and tools, and merchants' capital. The governing body may also by ordinance establish due dates for the payment of local taxes; may provide that payment be made in a single installment or in two equal installments; may offer options, which may include coupon books and payroll deductions, which allow the taxpayer to determine whether to pay the tangible personal property tax through monthly, bimonthly, quarterly, or semiannual installments or in a lump sum, provided such taxes are paid in full by the final due date;

may provide by ordinance penalties for failure to file such applications and returns and for nonpayment in time; may provide for payment of interest on delinquent taxes; and may provide for the recovery of reasonable attorney's or collection agency's fees actually contracted for, not to exceed 20 percent of the delinquent taxes and other charges so collected. A locality that provides for payment of interest on delinquent taxes shall provide for interest at the same rate on overpayments due to erroneously assessed taxes to be paid to the taxpayer, provided that no interest shall be required to be paid on such refund if (i) the amount of the refund is \$10 or less or (ii) the refund is the result of proration pursuant to § 58.1-3516. A court that finds that an overpayment of local taxes has been made in an action brought pursuant to § 58.1-3984 shall award interest at the appropriate rate, notwithstanding the failure of the locality to conform its ordinance to the requirements of this section.

Notwithstanding any contrary provision of law, the local governing body shall allow an automatic extension on real property taxes imposed upon a primary residence and personal property taxes imposed upon a qualifying vehicle, as defined in § 58.1-3523, owed by members of the armed services of the United States deployed outside of the United States. Such extension shall end and the taxes shall be due 90 days following the completion of such member's deployment. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component. *For purposes of this section, "qualifying vehicle" means any passenger car, motorcycle, and pickup or panel truck, as those terms are defined in § 46.2-100, that is determined by the commissioner of the revenue of the county or city in which the vehicle has situs as provided by § 58.1-3511 to be (i) privately owned; (ii) leased pursuant to a contract requiring the lessee to pay the tangible personal property tax on such vehicle; or (iii) held in a private trust for nonbusiness purposes. In determining whether a vehicle is a qualifying vehicle, the commissioner of the revenue must rely on the registration of such vehicle with the Department of Motor Vehicles pursuant to Chapter 6 (§ 46.2-600 et seq.) of Title 46.2 or, for leased vehicles, the information of the Department of Motor Vehicles pursuant to subsections B and C of § 46.2-623, unless the commissioner of the revenue has information that the Department's information is incorrect, or to the extent that the Department's information is incomplete. For purposes of this section, all-terrain vehicles and off-road motorcycles titled with the Department of Motor Vehicles and mopeds shall not be deemed qualifying vehicles.*

No tax assessment or tax bill shall be deemed delinquent and subject to the collection procedures prescribed herein during the pendency of any administrative appeal under § 58.1-3980, so long as the appeal is filed within 90 days of the date of the assessment, and for 30 days after the date of the final determination of the appeal, provided that nothing in this paragraph shall be construed to preclude the assessment or refund, following the final determination of such appeal, of such interest as otherwise may be provided by general law as to that portion of a tax bill that has remained unpaid or was overpaid during the pendency of such appeal and is determined in such appeal to be properly due and owing.

Interest may commence not earlier than the first day following the day such taxes are due by ordinance to be filed, at a rate not to exceed 10 percent per year. The governing body may impose interest at a rate not to exceed the rate of interest established pursuant to § 6621 of the Internal Revenue Code of 1954, as amended, or 10 percent annually, whichever is greater, for the second and subsequent years of delinquency. No penalty for failure to pay a tax or installment shall exceed (i) 10 percent of the tax past due on such property; (ii) in the case of delinquent tangible personal property tax more than 30 days past due on property classified pursuant to subdivision A 15, A 16, or A 20 of § 58.1-3506, which remains unpaid after 10 days' written notice sent by United States mail to the taxpayer of the intention to impose a penalty pursuant hereto, the penalty shall not exceed an amount equal to the difference between the tax due and owing with respect to such property and the tax that would have been due and owing if the property in question had been classified as general tangible personal property pursuant to § 58.1-3503; (iii) in the case of delinquent tangible personal property tax more than 30 days past due, 25 percent of the tax past due on such tangible personal property; (iv) in the case of delinquent remittance of excise taxes on meals, lodging, or admissions collected from consumers, 10 percent for the first month the taxes are past due, and five percent for each month thereafter, up to a maximum of 25 percent of the taxes collected but not remitted; or (v) \$10, whichever is greater, provided, however, that the penalty shall in no case exceed the amount of the tax assessable. No penalty for failure to file a return shall be greater than 10 percent of the tax assessable on such return or \$10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable. The assessment of such penalty shall not be deemed a defense to any criminal prosecution for failing to make return of taxable property as may be required by law or ordinance. Penalty for failure to file an application or return may be assessed on the day after such return or application is due; penalty for failure to pay any tax may be assessed on the day after the first installment is due. Any such penalty when so assessed shall become a part of the tax.

No penalty for failure to pay any tax shall be imposed for any assessment made later than two weeks

674 prior to the day on which the taxes are due, if such assessment is made thereafter through the fault of a  
675 local official, and if such assessment is paid within two weeks after the notice thereof is mailed.

676 In the event a transfer of real property ownership occurs after January 1 of a tax year and a real  
677 estate tax bill has been mailed pursuant to §§ 58.1-3281 and 58.1-3912, the treasurer or other  
678 appropriate local official designated by ordinance of the local governing body in jurisdictions not having  
679 a treasurer, upon ascertaining that a property transfer has occurred, may invalidate a bill sent to the prior  
680 owner and reissue the bill to the new owner as permitted by § 58.1-3912, and no penalty for failure to  
681 pay any tax for any such assessment shall be imposed if the tax is paid within two weeks after the  
682 notice thereof is mailed.

683 Penalty and interest for failure to file a return or to pay a tax shall not be imposed if such failure  
684 was not the fault of the taxpayer, or was the fault of the commissioner of revenue or the treasurer, as  
685 the case may be. The failure to file a return or to pay a tax due to the death of the taxpayer or a  
686 medically determinable physical or mental impairment on the date the return or tax is due shall be  
687 presumptive proof of lack of fault on the taxpayer's part, provided the return is filed or the taxes are  
688 paid within 30 days of the due date; however, if there is a committee, legal guardian, conservator or  
689 other fiduciary handling the individual's affairs, such return shall be filed or such taxes paid within 120  
690 days after the fiduciary qualifies or begins to act on behalf of the taxpayer. Interest on such taxes shall  
691 accrue until paid in full. Any such fiduciary shall, on behalf of the taxpayer, by the due date, file any  
692 required returns and pay any taxes that come due after the 120-day period. The treasurer shall make  
693 determinations of fault relating exclusively to failure to pay a tax, and the commissioner of the revenue  
694 shall make determinations of fault relating exclusively to failure to file a return. In jurisdictions not  
695 having a treasurer or commissioner of the revenue, the governing body may delegate to the appropriate  
696 local tax officials the responsibility to make the determination of fault.

697 The governing body may further provide by resolution for reasonable extensions of time, not to  
698 exceed 90 days, for the payment of real estate and personal property taxes and for filing returns on  
699 tangible personal property, machinery and tools, and merchants' capital, and the business, professional,  
700 and occupational license tax, whenever good cause exists. The official granting such extension shall  
701 keep a record of every such extension. If any taxpayer who has been granted an extension of time for  
702 filing his return fails to file his return within the extended time, his case shall be treated the same as if  
703 no extension had been granted.

704 This section shall be the sole authority for local ordinances setting due dates of local taxes and  
705 penalty and interest thereon, and shall supersede the provisions of any charter or special act.

706 **2. That § 15.2-1636.20 and Chapter 35.1 (§§ 58.1-3523 through 58.1-3535) of Title 58.1 of the Code**  
707 **of Virginia are repealed.**

708 **3. That the provisions of this act shall become effective: (i) on January 1, 2019, and (ii) only if a**  
709 **Constitutional amendment to Article X, Section 6 of the Constitution of Virginia making motor**  
710 **vehicles used for nonbusiness purposes exempt from taxation is approved by a majority of voters**  
711 **voting on such measure at the election directed by law to be held on the Tuesday after the first**  
712 **Monday in November 2018.**