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SENATE BILL NO. 658

Offered January 19, 2016

A BILL to amend and reenact §§ 46.2-663 through 46.2-680 of the Code of Virginia, relating to exemptions from registration; technical changes.

Patron—Newman

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-663 through 46.2-680 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-663. Backhoes.

No person shall be required to obtain the registration certificate, license plates, ~~and~~ or decals for or to pay a registration fee for any backhoe operated on any highway for a distance of no more than twenty miles from its operating base.

§ 46.2-664. Vehicles used for spraying fruit trees and other plants.

No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals, for or pay a registration fee for any vehicle on which is securely attached a machine for spraying fruit trees and other plants of the owner or lessee of the truck.

§ 46.2-665. Vehicles used for agricultural or horticultural purposes.

A. No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals, for or pay a registration fee for any motor vehicle, trailer, or semitrailer used exclusively for agricultural or horticultural purposes on lands owned or leased by the vehicle's owner.

B. This exemption shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers that are not operated on or over any public highway in the Commonwealth for any purpose other than:

1. Crossing a highway;
2. Operating along a highway for a distance of no more than 50 miles from one part of the owner's land to another, irrespective of whether the tracts adjoin;
3. Taking the vehicle or attached fixtures to and from a repair shop for repairs;
4. Taking another vehicle exempt from registration under any provision of §§ 46.2-664 through 46.2-668 or 46.2-672, or any part or subcomponent of such a vehicle, to or from a repair shop for repairs, including return trips;
5. Operating along a highway to and from a refuse disposal facility for the purpose of disposing of trash and garbage generated on a farm; or
6. Operating along a highway for a distance of no more than 50 miles for the purpose of obtaining supplies for agricultural or horticultural purposes, seeds, fertilizers, chemicals, or animal feed and returning.

§ 46.2-666. Vehicles used for seasonal transportation of farm produce and livestock.

No person shall be required to obtain the registration certificate, license plates, ~~and~~ or decals for or pay a registration fee prescribed for any motor vehicle, trailer, or semitrailer owned by the owner or lessee of a farm and used by him on a seasonal basis in transporting farm produce and livestock along public highways for a distance of no more than 50 miles including the distance to the nearest storage house, packing plant, or market. The provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers.

§ 46.2-667. Farm machinery and tractors.

No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals, for or pay the prescribed fee for any farm machinery or tractor when operated on a highway (i) between one tract of land and another regardless of whether the land is owned by the same person or (ii) to and from a repair shop for repairs.

§ 46.2-668. Vehicles validly registered in other states and used in conjunction with harvesting operations.

A. No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals, for or pay a registration fee for any motor vehicle, trailer, or semitrailer which is validly registered in another state and bears valid license plates issued by that state when the use of the vehicle has been contracted for by the owner or lessee of a farm as an incidental part of the harvesting of a crop from his farm. This exemption shall only be valid while the vehicle is engaged principally in transporting farm

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59 produce from the farm:

- 60 1. As an incidental part of harvesting operations;
- 61 2. Along a public highway for a distance of not more than 20 miles to a storage house, packing
- 62 plant, market, or transportation terminal;
- 63 3. When the use is a seasonal operation; and
- 64 4. When the owner of the vehicle has secured from the Commissioner an exemption permit for each
- 65 vehicle.

66 B. The Commissioner, upon receipt of an application certifying that a vehicle is entitled to the
67 exemption set forth in this subsection and, if the vehicle is a qualified highway vehicle under
68 § 58.1-2700, payment of \$150, shall issue an exemption permit on a form prescribed by him. The
69 exemption permit shall be carried at all times by the operator of the vehicle for which it is issued or
70 displayed in a conspicuous place on the vehicle. The exemption permit shall be valid for a period of 90
71 days from date of issue and shall be renewable by the procedure set forth in the foregoing provisions of
72 this section.

73 **§ 46.2-669. Tractors and similar vehicles owned by sawmill operators.**

74 No person shall be required to obtain the registration certificate, license plates ~~and, or decals, for~~ or
75 pay a registration fee for any tractor, trailer, log cart, or similar vehicle owned by a sawmill operator
76 when the vehicle is operated or moved:

- 77 1. Along a highway from one sawmill or sawmill site to another;
- 78 2. To or from a repair shop for repairs; or
- 79 3. Across a highway from one contiguous tract of land to another.

80 **§ 46.2-670. Vehicles owned by farmers and used to transport certain wood products.**

81 No person shall be required to obtain the registration certificate, license plates ~~and, or decals, for~~ or
82 pay a registration fee for any motor vehicle, trailer, or semitrailer owned by a farm owner when the
83 vehicle is operated or moved along a highway for no more than twenty miles between a sawmill or
84 sawmill site and his farm to transport sawdust, wood shavings, slab wood, and other wood wastes. The
85 provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii)
86 vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and
87 semitrailers.

88 **§ 46.2-671. Vehicles used at mines.**

89 No person shall be required to obtain the registration certificate, license plates ~~and, or decals, for~~ or
90 pay a registration fee for any motor vehicle, trailer, or semitrailer used at mines when operated on the
91 highway for no more than twenty miles between mines or to or from a repair shop for repairs.

92 **§ 46.2-672. Certain vehicles transporting fertilizer, cotton, or peanuts.**

93 No person shall be required to obtain the registration certificate, license plates ~~and, or decals, for~~ or
94 pay a registration fee for any motor vehicle or trailer, semitrailer, or fertilizer spreader drawn by a farm
95 tractor used by a farmer, his tenant, agent or employee or a cotton ginner, peanut buyer, or fertilizer
96 distributor to transport unginced cotton, peanuts, or fertilizer owned by the farmer, cotton ginner, peanut
97 buyer, or fertilizer distributor from one farm to another, from farm to gin, from farm to dryer, from
98 farm to market, or from fertilizer distributor to farm and on return to the distributor.

99 The provisions of this section shall not apply to vehicles operated on a for-hire basis.

100 **§ 46.2-673. Return trips of exempted farm vehicles.**

101 No person shall be required to obtain the registration certificate, license plates ~~and, or decals, for~~ or
102 pay a registration fee for any farm vehicle exempted from registration under the provisions of this article
103 when that vehicle is:

- 104 1. Making a return trip from any marketplace;
- 105 2. Transporting back to a farm ordinary and essential food and other products for home and farm
- 106 use; or
- 107 3. Transporting supplies to the farm.

108 **§ 46.2-674. Vehicles used by commercial fishermen.**

109 No person shall be required to obtain the registration certificate, license plates ~~and, or decals, for~~ or
110 pay a registration fee for any motor vehicle, trailer, boat trailer, or semitrailer, or any combination
111 thereof not having a gross vehicle weight exceeding 12,000 pounds used by commercial fishermen, their
112 agents, or employees for the purpose of:

- 113 1. Transporting boats or other equipment used in commercial fishing no more than 50 miles between
114 his place of residence or business and the waters within the territorial limits of the Commonwealth or
115 the adjacent marginal seas;
- 116 2. Any return trip to his place of residence or business; or
- 117 3. Transporting harvested seafood no more than 50 miles between the place where the seafood is first
118 brought ashore and the transporter's place of business or the location of the seafood's first point of sale.

119 **§ 46.2-675. Certain vehicles engaged in mining or quarrying operations; permit when such**
120 **vehicle required to cross public highways.**

No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals ~~for~~ or ~~to~~ pay a registration fee prescribed for any motor vehicle engaged in coal mining operations or other types of mining and quarrying operations, if the sole function of the motor vehicle is to haul coal from mine to tipple or to haul other mined or quarried products from mine or quarry to a processing plant. The owner of the vehicle, however, shall first obtain, without charge, a permit from the Commissioner of Highways in any case in which the motor vehicle is required to cross the public highways. The Commissioner of Highways shall not issue the permit unless he is satisfied that the owner of the motor vehicle has, at his own expense, strengthened the highway crossing so that it will adequately bear the load and has provided adequate signs, lights, or flagmen as may be required for the protection of the public. Any damage done to the highways as a result of this operation shall be repaired in a manner satisfactory to the Commissioner of Highways at the expense of the vehicle's owner.

§ 46.2-676. Registration certificate, license plates, or decals for any golf carts and utility vehicles; fees.

No person shall be required to obtain the registration ~~certificate~~ *certificate*, license plates, or decals; ~~for or to~~ pay any registration fee; for any golf cart or utility vehicle that either (i) is not operated on or over any public highway in the Commonwealth or (ii) is operated on or over a public highway as authorized by Article 13.1 (§ 46.2-916.1 et seq.) of Chapter 8 ~~of this title~~.

§ 46.2-677. Self-propelled wheelchairs.

No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals; ~~for or~~ pay any registration fee for any self-propelled wheelchair or self-propelled wheelchair conveyance provided it is:

1. Operated by a person who is capable of operating it properly and safely but who, by reason of physical disability, is otherwise unable to move about as a pedestrian; and

2. Not operated on a public highway in this Commonwealth except to the extent necessary to cross the highway.

§ 46.2-678. Forklift trucks.

A. No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals; ~~for or~~ pay a registration fee for any forklift truck provided it is:

1. Operated by a person holding a valid Virginia driver's license;

2. Operated along or across highways only in traveling from one plant, factory, or job site to another by the most direct route;

3. Not carrying or transporting any object or person, other than the driver;

4. Displaying a slow-moving vehicle emblem in conformity with § 46.2-1081;

5. In compliance with requirements of the federal Occupational Safety and Health Administration;

6. Not operated on or along any limited access highway; and

7. Not operated for a distance of more than ten miles.

B. For the purposes of this section, "forklift truck" means a self-propelled machine used for hoisting and transporting heavy objects by means of steel fingers inserted under the load.

§ 46.2-679. Snowmobiles.

No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals; ~~for or~~ pay a registration fee for any snowmobile.

§ 46.2-679.1. All-terrain vehicles.

No person shall be required to obtain the registration certificate, license plate ~~and~~, or decals; ~~for or~~ pay a registration fee for any all-terrain vehicle.

§ 46.2-679.2. Off-road motorcycles.

No person shall be required to obtain the registration certificate, license plate ~~and~~, or decals; ~~for or~~ pay a registration fee for any off-road motorcycle.

§ 46.2-680. Vehicles transporting oyster shells.

No person shall be required to obtain the registration ~~certificate~~ *certificate*, license plates ~~and~~, or decals; ~~for or to~~ pay ~~any~~ a registration fee for any motor vehicle properly registered in Maryland and used for the purpose of hauling oyster shells for a distance of less than three miles on a public highway of this Commonwealth to navigable waters to be further transported by water to Maryland.