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SENATE BILL NO. 1211

Offered January 11, 2017

Prefiled January 10, 2017

A BILL to amend and reenact § 46.2-752 of the Code of Virginia, relating to collection of local motor vehicle taxes and license fees.

Patron—Wexton

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-752 of the Code of Virginia is amended and reenacted as follows:

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

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

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of the United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. 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.

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

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

2. Vehicles owned by volunteer emergency medical services agencies,

3. Vehicles owned by volunteer fire departments,

4. Vehicles owned or leased by active members or active auxiliary members of volunteer emergency medical services agencies,

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

6. Vehicles owned or leased by auxiliary police officers,

7. Vehicles owned or leased by volunteer police chaplains,

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

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

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

11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer emergency medical services agencies, former members of volunteer fire departments, former auxiliary police officers, members and former members of authorized police volunteer citizen support units, members and former members of authorized sheriff's volunteer citizen support units, former volunteer police chaplains, and former volunteer special police officers appointed under former § 15.2-1737. In the case of active members of volunteer emergency medical services agencies and active members of volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active affiliation or membership, and no member of an emergency medical services agency or member of a volunteer fire department shall be issued more than one such license free of charge,

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

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

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

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

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

67 17. Vehicles owned or leased by salaried emergency medical services personnel; however, no salaried
68 emergency medical services personnel shall be issued more than one such license free of charge,

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

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

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

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

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

84 The situs for the imposition of licensing fees under this section shall in all cases, except as
85 hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is
86 normally garaged, stored, or parked. If it cannot be determined where the personal property is normally
87 garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the
88 motor vehicle is a full-time student attending an institution of higher education, the situs shall be the
89 domicile of such student, provided the student has presented sufficient evidence that he has paid a
90 personal property tax on the motor vehicle in his domicile.

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

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

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

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

117 E. If in any county imposing license fees and taxes under this section, a town therein imposes like
118 fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees
119 or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to
120 receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid

121 to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from
 122 increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the
 123 limitations provided in subsection D. The governing body of any county and the governing body of any
 124 town in that county wherein each imposes the license tax herein provided may provide mutual
 125 agreements so that not more than one license plate or decal in addition to the state plate shall be
 126 required.

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

136 G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or
 137 operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such
 138 ordinance, to display the local license required by any ordinance of the county, city or town in which
 139 the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local
 140 license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that
 141 a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4
 142 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such
 143 vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses,
 144 parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that
 145 a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of
 146 a fine except upon presentation of satisfactory evidence that the required license has been obtained.
 147 Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other
 148 tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or
 149 town's ordinance does not require display of a decal or other evidence of payment. No ordinance
 150 adopted pursuant to this section shall require the display of any local license, decal, or sticker on any
 151 vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500
 152 vehicles garaged in the Commonwealth.

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

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

163 J. The treasurer or director of finance of any county, city, or town may enter into an agreement with
 164 the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of
 165 any applicant therefor who owes to such county, city or town any local vehicle license fees or
 166 delinquent tangible personal property tax or parking citations. Before being issued any vehicle
 167 registration or renewal of such license or registration by the Commissioner, the applicant shall first
 168 satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence
 169 satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking
 170 citations have been paid in full. The Commissioner shall charge a reasonable fee to cover the costs of
 171 such enforcement action, and the treasurer or director of finance may add the cost of this fee to the
 172 delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any
 173 county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of
 174 registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the
 175 Commissioner in the manner provided for in his agreement with the Commissioner and supply to the
 176 Commissioner information necessary to identify the debtor whose registration or renewal is to be denied.
 177 Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice
 178 of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current
 179 vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's
 180 address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In
 181 the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle

182 registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking
183 violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in
184 the business of renting motor vehicles.

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

206 L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may
207 charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the
208 provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds
209 collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters'
210 and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are
211 volunteers for fire departments or emergency medical services agencies within the jurisdiction of the
212 particular county, city, or town.

213 M. In any county, the county treasurer or comparable officer and the treasurer of any town located
214 wholly or partially within such county may enter into a reciprocal agreement, with the approval of the
215 respective local governing bodies, that provides for the town treasurer to collect ~~current, non-delinquent~~
216 license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the county *that are*
217 *non-delinquent, delinquent, or both* or for the county treasurer to collect ~~current, license fees or taxes on~~
218 *any motor vehicle, trailer, or semitrailer owed to the town that are non-delinquent license fees or taxes*
219 ~~owed to the town, delinquent, or both~~. A treasurer or comparable officer collecting any such license fee
220 or tax pursuant to an agreement entered into under this subsection shall account for and pay over such
221 amounts to the locality owed such license fee or tax in the same manner as provided by law. As used in
222 this subsection, with regard to towns, "treasurer" means the town officer or employee vested with
223 authority by the charter, statute, or governing body to collect local taxes.