

16105475D

SENATE BILL NO. 35**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Finance
on February 16, 2016)

(Patron Prior to Substitute—Senator Carrico)

A BILL to amend and reenact §§ 46.2-686 and 46.2-694, as it is currently effective and as it may become effective, of the Code of Virginia, relating to vehicle registration fees; funds for Department of State Police.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-686 and 46.2-694, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:

§ 46.2-686. Portion of certain fees to be paid into special fund.

Except as provided in subdivision ~~13~~ of subsection A 14 of § 46.2-694 and § 46.2-703, an amount equal to ~~twenty~~ 20 percent of the fees collected, after refunds, from the registration of motor vehicles, trailers, and semitrailers pursuant to this chapter, calculated at the rates in effect on December 31, 1986, shall be transferred from the special fund established by the provisions of § 46.2-206 to a special fund in the state treasury to be used to meet the expenses of the Department.

§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.

2. Thirty-eight dollars for each private passenger car or motor home that weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total

60 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
61 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
62 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
63 representatives of the Commissioner at the end of such license year, the expense of such audit to be
64 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
65 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less
66 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
67 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
68 in determining the apportionment provided for herein.

69 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer
70 or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the
71 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
72 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner
73 vehicles as defined in § 46.2-2000.

74 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a
75 chauffeur for the transportation of passengers, and which operates or should operate under permits issued
76 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs
77 more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as
78 TNC partner vehicles as defined in § 46.2-2000.

79 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
80 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

81 10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to
82 be used to meet the expenses of the Department.

83 10b. Eighteen dollars for an autocycle.

84 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for
85 the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of
86 the vehicle exceeds 4,000 pounds, the fee shall be \$28.

87 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying
88 vehicles.

89 13. *An additional annual fee shall be charged as provided in this subdivision and collected at the*
90 *time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through*
91 *12. All funds collected from the fee shall be paid into the state treasury and allocated to the Department*
92 *of State Police.*

93 *a. From July 1, 2016, through June 30, 2017, such fee shall be \$1.25 per year.*

94 *b. From July 1, 2017, through June 30, 2018, such fee shall be \$2.50 per year.*

95 *c. From July 1, 2018, through June 30, 2019, such fee shall be \$3.75 per year.*

96 *d. From July 1, 2019, through June 30, 2020, such fee shall be \$5 per year.*

97 14. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of
98 each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected
99 from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to
100 be used only for emergency medical services purposes. The moneys in the special emergency medical
101 services fund shall be distributed as follows:

102 a. Two percent shall be distributed to the State Department of Health to provide funding to the
103 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
104 volunteer recruitment, retention, and training activities;

105 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
106 medical services training programs (excluding advanced life support classes); (ii) advanced life support
107 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
108 retain volunteer emergency medical services personnel only, including public awareness campaigns,
109 technical assistance programs, and similar activities); (iv) emergency medical services system
110 development, initiatives, and priorities based on needs identified by the State Emergency Medical
111 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical
112 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication
113 enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for
114 distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to
115 the Rescue Squad Assistance Fund;

116 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

117 d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical
118 Services for use in emergency medical services; and

119 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is
120 registered, to provide funding for training of volunteer or salaried emergency medical services personnel
121 of nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner

of Health and for the purchase of necessary equipment and supplies for use in such locality for emergency medical services provided by nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the nonprofit emergency medical services agency that holds a valid license issued by the Commissioner of Health, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.

2. Twenty-eight dollars for each private passenger car or motor home that weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000

183 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating
184 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
185 with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway
186 Administration, may apply to the Commissioner for prorated registration. Upon the filing of such
187 application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
188 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
189 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
190 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
191 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
192 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
193 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
194 representatives of the Commissioner at the end of such license year, the expense of such audit to be
195 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
196 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less
197 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
198 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
199 in determining the apportionment provided for herein.

200 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer
201 or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the
202 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
203 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner
204 vehicles as defined in § 46.2-2000.

205 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a
206 chauffeur for the transportation of passengers, and which operates or should operate under permits issued
207 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs
208 more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as
209 TNC partner vehicles as defined in § 46.2-2000.

210 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
211 surcharge of \$3, which shall be distributed as provided in § 46.2-1191.

212 10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to
213 be used to meet the expenses of the Department.

214 10b. Eighteen dollars for an autocycle.

215 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for
216 the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of
217 the vehicle exceeds 4,000 pounds, the fee shall be \$28.

218 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying
219 vehicles.

220 13. *An additional annual fee shall be charged as provided in this subdivision and collected at the*
221 *time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through*
222 *12. All funds collected from the fee shall be paid into the state treasury and allocated to the Department*
223 *of State Police.*

224 *a. From July 1, 2016, through June 30, 2017, such fee shall be \$1.25 per year.*

225 *b. From July 1, 2017, through June 30, 2018, such fee shall be \$2.50 per year.*

226 *c. From July 1, 2018, through June 30, 2019, such fee shall be \$3.75 per year.*

227 *d. From July 1, 2019, through June 30, 2020, such fee shall be \$5 per year.*

228 14. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of
229 each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected
230 from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to
231 be used only for emergency medical services purposes. The moneys in the special emergency medical
232 services fund shall be distributed as follows:

233 a. Two percent shall be distributed to the State Department of Health to provide funding to the
234 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
235 volunteer recruitment, retention and training activities;

236 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
237 medical services training programs (excluding advanced life support classes); (ii) advanced life support
238 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
239 retain volunteer emergency medical services personnel only, including public awareness campaigns,
240 technical assistance programs, and similar activities); (iv) emergency medical services system
241 development, initiatives, and priorities based on needs identified by the State Emergency Medical
242 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical
243 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication
244 enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for

distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical services personnel of nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health and for the purchase of necessary equipment and supplies for use in such locality for emergency medical services provided by nonprofit or volunteer emergency medical services agencies that hold a valid license issued by the Commissioner of Health.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the emergency medical services agency that holds a valid license issued by the Commissioner of Health, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.