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SENATE BILL NO. 526

Offered January 13, 2016

Prefiled January 13, 2016

A *BILL to amend and reenact §§ 46.2-645, 46.2-646, 46.2-712, 46.2-1043, 46.2-1048, 46.2-1065, 46.2-1092, 46.2-1158.01, 46.2-1158.1, 46.2-1161.1, 46.2-1163, 46.2-1175.1 of the Code of Virginia and to repeal § 46.2-1164 of the Code of Virginia, relating to issuance of a safety inspection approval decal; registration.*

Patrons—McPike; Delegate: Lingamfelter

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-645, 46.2-646, 46.2-712, 46.2-1043, 46.2-1048, 46.2-1065, 46.2-1092, 46.2-1158.01, 46.2-1158.1, 46.2-1161.1, 46.2-1163, 46.2-1175.1 of the Code of Virginia are amended and reenacted:

§ 46.2-645. Registration of vehicles.

The Department shall file each motor vehicle registration application received and, when satisfied that the applicant is entitled to register the vehicle, shall register the vehicle.

Every application for registration or registration renewal of a vehicle subject to safety inspection under Article 21 (§ 46.2-1157 et seq.) of Chapter 10 shall be accompanied by a safety inspection approval certificate, indicating that the vehicle had passed a vehicle safety inspection within the previous 60 days. The Commissioner, in consultation with the Superintendent of State Police, may, by regulation, provide for the submission of proof of passage of a safety inspection by electronic means.

§ 46.2-646. Expiration and renewal of registration.

A. Every registration under this title, unless otherwise provided, shall expire on the last day of the twelfth month next succeeding the date of registration. Every registration, unless otherwise provided, shall be renewed annually on application by the owner and by payment of the fees required by law, the renewal to take effect on the first day of the month succeeding the date of expiration. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring registration if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, and (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

B. All motor vehicles, trailers, and semitrailers registered in the Commonwealth shall, at the discretion of the Commissioner, be placed in a system of registration on a monthly basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the ~~twelve~~ 12 months of the year. All such motor vehicles, trailers, and semitrailers, unless otherwise provided, shall be registered for a period of ~~twelve~~ 12 months. The registration shall be extended, at the discretion of the Commissioner, on receipt of appropriate prorated fees, as required by law, for a period of not less than one month nor more than ~~eleven~~ 11 months as is necessary to distribute the registrations as equally as practicable on a monthly basis. The Commissioner shall, on request, assign to any owner or owners of two or more motor vehicles, trailers, or semitrailers the same registration period. The expiration date shall be the last day of the twelfth month or the last day of the designated month. Except for motor vehicles, trailers, and semitrailers registered for more than one year under subsection C of this section, every registration shall be renewed annually on application by the owner and by payment of fees required by law, the renewal to take effect on the first day of the succeeding month.

C. The Commissioner may offer, at his discretion, an optional multi-year registration for all motor vehicles, trailers, and semitrailers except for (i) those registered under the International Registration Plan and (ii) those registered as uninsured motor vehicles. When this option is offered and chosen by the registrant, all annual and ~~twelve-month~~ 12-month fees due at the time of registration shall be multiplied by the number of years or fraction thereof that the vehicle will be registered. *However, decals shall only be issued annually upon submission of proof of passage of a safety inspection pursuant to § 46.2-645.*

§ 46.2-712. Requirements of license plates and decals.

A. Every license plate shall display the registration number assigned to the motor vehicle, trailer, or semitrailer and to the owner thereof, the name of the Commonwealth, which may be abbreviated, and the year or the month and year, which may be abbreviated and in the form of decals, for which it is issued. Subject to the need for legibility, the size of the plate, the letters, numerals, and decals thereon, and the color of the plate, letters, numerals, and decals shall be in the discretion of the Commissioner. Decals shall be placed on the license plates in the manner prescribed by the Commissioner, and shall

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59 indicate the month and year of expiration. On the issuance of the decals, a new registration card shall be
60 issued with the same date of expiration as the decals. *Beginning July 1, 2016, the decal indicating the*
61 *month shall be issued by approved motor vehicle safety inspection stations.*

62 B. Notwithstanding any other provision of this title, the Department may issue permanent license
63 plates without decals and without a month and year of expiration for all trailers and semitrailers,
64 regardless of weight; trucks and tractor trucks with a gross vehicle weight rating or gross combination
65 weight rating of more than 26,000 pounds; taxicabs or other motor vehicles performing a taxicab
66 service; and common carrier vehicles operated for hire, both of the latter as defined in § 46.2-2000 that
67 are in compliance with the requirements of Chapter 20 (§ 46.2-2000 et seq.) of this title. In addition, the
68 Department may issue permanent license plates without decals and without a month and year of
69 expiration for trucks and tractor trucks with gross vehicle weight ratings or gross combination weight
70 ratings of at least 7,501 pounds but not more than 26,000 pounds, provided that such vehicles are for
71 business use only, and for farm vehicles registered with the Department pursuant to § 46.2-698.

72 C. Notwithstanding any contrary provision of this section, any person who, pursuant to former
73 § 56-304.3, repealed by Chapters 744 and 803 of the Acts of Assembly of 1995, obtained from the State
74 Corporation Commission an exemption from the marker or decal requirements of former § 56-304,
75 56-304.1 or 56-304.2, and who has painted or, in the case of newly acquired vehicles, who paints an
76 identifying number on the sides of any vehicle with respect to which such exemption applies and, in all
77 other respects, continues to comply with the requirements of former § 56-304.3, shall be deemed to be
78 in compliance with § 46.2-2011.23 and subdivision 18 of § 46.2-2011.24.

79 **§ 46.2-1043. Tire tread depth.**

80 A. No person shall operate a motor vehicle, trailer, or semitrailer on any highway in the
81 Commonwealth if it is equipped with one or more tires which:

82 1. When measured in any two adjacent major tread grooves where the tread is thinnest, at three
83 equally spaced intervals around the circumference of the tire and exclusive of "tiebars" by a tread depth
84 gauge calibrated in thirty-seconds of an inch, are found to have tread depth of less than two
85 thirty-seconds of an inch at such locations; or

86 2. When equipped with tread wear indicators, are found to have such indicators in contact with
87 pavement at any two adjacent grooves at three equally spaced intervals around the circumference of the
88 tire.

89 B. No motor vehicle, trailer, or semitrailer shall be issued a safety inspection approval ~~sticker~~ *decal*
90 if equipped with any tire whose use is prohibited under the provisions of this section.

91 C. This section shall not apply to tires mounted on dual wheels installed on motor vehicles which
92 have seats for more than seven passengers and are (i) operated wholly within a municipality, or (ii)
93 operated by urban and suburban bus lines. For purposes of this section, "urban and suburban bus lines"
94 are defined as bus lines operating over regular scheduled routes the majority of whose passengers use
95 the buses for traveling one-way distances not exceeding ~~forty~~ 40 miles on the same day between their
96 residence and their place of work, shopping areas, or schools.

97 D. The foregoing exemptions shall not apply to buses owned or operated by any public school
98 district, private school, or contract operator of school buses.

99 E. The provisions of this section shall not apply to any vehicle not required to be registered or
100 licensed.

101 **§ 46.2-1048. Pollution control systems or devices.**

102 No motor vehicle registered in the Commonwealth and manufactured for the model year 1973 or for
103 subsequent model years shall be operated on the highways in the Commonwealth unless it is equipped
104 with an air pollution control system, device, or combination of such systems or devices installed in
105 accordance with federal laws and regulations.

106 It shall be unlawful for any person to operate a motor vehicle, as herein described, on the highways
107 in the Commonwealth with its pollution control system or device removed or otherwise rendered
108 inoperable.

109 It shall be unlawful for any person to operate on the highways in the Commonwealth a motor
110 vehicle, as described in this section, equipped with any emission control system or device unless it is of
111 a type installed as standard factory equipment, or comparable to that designed for use upon the
112 particular vehicle as standard factory equipment.

113 No motor vehicle, as described in this section, shall be issued a safety inspection approval ~~sticker~~
114 *decal* unless it is equipped as provided under the foregoing provisions of this section or if it violates this
115 section.

116 The provisions of this section shall not prohibit or prevent shop adjustments or replacements of
117 equipment for maintenance or repair or the conversion of engines to low polluting fuels, such as, but not
118 limited to, natural gas or propane, so long as such action does not degrade the antipollution capabilities
119 of the vehicle power system.

120 The provisions of this section shall not apply to converted electric vehicles.

§ 46.2-1065. Steering gear; installation, sale, etc., of repair kit or preventive maintenance kit for use on part of steering gear prohibited.

Every motor vehicle driven on a highway shall be equipped with steering gear adequate to ensure the safe control of the vehicle. Such steering gear shall not show signs of weakness or breaking under ordinary conditions. The Superintendent may promulgate regulations establishing standards of adequacy of steering gear, which shall be the current standard specifications of steering gear adopted by the United States Bureau of Standards or the Society of Automotive Engineers, or the regulations of the federal Department of Transportation, for determining whether or not any motor vehicle operated on any highway conforms to the requirements of the Department of State Police.

No Virginia-registered motor vehicle shall be issued a safety inspection approval ~~sticker~~ *decal* or be operated on a highway in the Commonwealth if equipped with a repair kit or preventive maintenance kit installed on a tie rod end, idler arm, ball joint or any other part of the vehicle's steering gear.

It shall be unlawful for any person to sell or offer for sale any repair kit or preventive maintenance kit for use on a tie rod end, idler arm, ball joint, or any other part of a vehicle's steering gear to prevent wear or to repair or remove play or looseness in the steering gear components.

Nothing contained in this section shall prohibit or prevent shop adjustments or the replacement of parts or complete components of a motor vehicle's steering gear that meet Society of Automotive Engineers standards of excellence, in order to correct deficiencies in the steering gear.

§ 46.2-1092. Safety lap belts or a combination of lap belts and shoulder harnesses to be installed in certain motor vehicles.

No passenger car or autocycle registered in the Commonwealth and manufactured for the year 1963 or for subsequent years shall be operated on the highways in the Commonwealth unless the front seats thereof are equipped with adult safety lap belts or a combination of lap belts and shoulder harnesses of types approved by the Superintendent.

Failure to use the safety lap belts or a combination of lap belts and shoulder harnesses after installation shall not be deemed to be negligence. Nor shall evidence of such nonuse of such devices be considered in mitigation of damages of whatever nature.

No motor vehicle registered in the Commonwealth and manufactured after January 1, 1968, shall be issued a safety inspection approval ~~sticker~~ *decal* if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed at the time of manufacture by the federal Department of Transportation have been either removed from the motor vehicle or rendered inoperable.

No autocycle registered in the Commonwealth shall be issued a safety inspection ~~sticker~~ *decal* if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed under this section have been either removed from the autocycle or rendered inoperable.

No passenger car, except convertibles, registered in the Commonwealth and manufactured on or after September 1, 1990, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

No passenger car, including convertibles, registered in the Commonwealth and manufactured on or after September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

No truck, multi-purpose vehicle, or bus, except school buses and motor homes, with a gross vehicle weight rating of 10,000 pounds or less, registered in the Commonwealth and manufactured on or after September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

Passenger cars, trucks, multipurpose vehicles, and buses, except school buses and motor homes, registered in the Commonwealth and manufactured on or after September 1, 1992, shall not be operated on the highways of the Commonwealth unless equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation for each forward-facing rear outboard seating position on a readily removable seat.

For the purposes of this section, forward-facing rear outboard seats are defined as those designated seating positions for passengers in outside front facing seats behind the driver and front passenger seats, except any designated seating position adjacent to a walkway that is located between the seat and the near side of the vehicle and is designed to allow access to a more rearward seating position.

The Superintendent of State Police shall include in the Official Motor Vehicle Inspection Regulations a section which identifies each classification of motor vehicle required to be equipped with any of the devices described in the foregoing provisions of this section.

Such regulations shall also include a listing of the exact devices which are required to be installed in each motor vehicle classification and the model year of each motor vehicle classification on which the

standards of the federal Department of Transportation first became applicable.

§ 46.2-1158.01. Exceptions to motor vehicle inspection requirement.

A. The following shall be exempt from inspection as required by § 46.2-1157:

1. Four-wheel vehicles weighing less than 500 pounds and having less than 6 horsepower;

2. Boat, utility, or travel trailers that are not equipped with brakes;

3. Antique motor vehicles or antique trailers as defined in § 46.2-100 and licensed pursuant to § 46.2-730;

4. Any motor vehicle, trailer, or semitrailer that is outside the Commonwealth at the time its inspection expires when operated by the most direct route to the owner's or operator's place of residence or the owner's legal place of business in the Commonwealth;

5. A truck, tractor truck, trailer, or semitrailer for which the period fixed for inspection has expired while the vehicle was outside the Commonwealth (i) from a point outside the Commonwealth to the place where such vehicle is kept or garaged within the Commonwealth or (ii) to a destination within the Commonwealth where such vehicle will be (a) unloaded within 24 hours of entering the Commonwealth, (b) inspected within such 24-hour period, and (c) operated, after being unloaded, only to an inspection station or to the place where it is kept or garaged within the Commonwealth;

6. New motor vehicles, new trailers, or new semitrailers may be operated upon the highways of Virginia for the purpose of delivery from the place of manufacture to the dealer's or distributor's designated place of business or between places of business if such manufacturer, dealer, or distributor has more than one place of business, without being inspected; dealers or distributors may take delivery and operate upon the highways of Virginia new motor vehicles, new trailers, or new semitrailers from another dealer or distributor provided a motor vehicle, trailer, or semitrailer shall not be considered new if driven upon the highways for any purpose other than the delivery of the vehicle;

7. New motor vehicles, new trailers, or new semitrailers bearing a manufacturer's license may be operated for test purposes by the manufacturer without an inspection;

8. Motor vehicles, trailers, or semitrailers may be operated for test purposes by a certified inspector without an inspection ~~sticker~~ decal during the performance of an official inspection;

9. New motor vehicles, new trailers, or new semitrailers may be operated upon the highways of Virginia over the most direct route to a location for installation of a permanent body without being inspected;

10. Motor vehicles, trailers, or semitrailers purchased outside the Commonwealth may be driven to the purchaser's place of residence or the dealer's or distributor's designated place of business without being inspected;

11. Prior to purchase from auto auctions within the Commonwealth, motor vehicles, trailers, or semitrailers may be operated upon the highways not to exceed a five-mile radius of such auction by prospective purchasers only for the purpose of road testing without being inspected; motor vehicles, trailers, or semitrailers purchased from auto auctions within the Commonwealth also may be operated upon the highways from such auction to the purchaser's place of residence or business without being inspected;

12. Motor vehicles, trailers, or semitrailers, after the expiration of a period fixed for the inspection thereof, may be operated over the most direct route between the place where such vehicle is kept or garaged and an official inspection station for the purpose of having the same inspected pursuant to a prior appointment with such station;

13. Any vehicle for transporting well-drilling machinery and mobile equipment as defined in § 46.2-700;

14. Motor vehicles being towed in a legal manner as exempted under § 46.2-1150;

15. Logtrailers as exempted under § 46.2-1159;

16. Motor vehicles designed or altered and used exclusively for racing or other exhibition purposes as exempted under § 46.2-1160;

17. Any tow dolly or converter gear as defined in § 46.2-1119;

18. A new motor vehicle, as defined in § 46.2-1500, that has been inspected in accordance with an inspection requirement of the manufacturer or distributor of the new motor vehicle by an employee who customarily performs such inspection on behalf of a motor vehicle dealer licensed pursuant to § 46.2-1508 shall be deemed to have met the safety inspection requirements of the section without a separate safety inspection by an official inspection station. Such inspection shall be deemed to be the first inspection for the purpose of § 46.2-1158, and an inspection approval ~~sticker~~ decal furnished by the Department of State Police *Motor Vehicles* at the uniform price paid by all official inspection stations to the Department of State Police *Motor Vehicles* for an inspection approval ~~sticker~~ decal may be affixed to the vehicle as required by § ~~46.2-1163~~ 46.2-712;

19. Mopeds;

20. Low-speed vehicles; and

21. Vehicles exempt from registration pursuant to Article 6 (§ 46.2-662 et seq.) of Chapter 6.

B. The following shall be exempt from inspection as required by § 46.2-1157 provided (i) the commercial motor vehicle operates in interstate commerce; (ii) the commercial motor vehicle is found to meet the federal requirements for annual inspection through a self-inspection, a third-party inspection, a Commercial Vehicle Safety Alliance inspection, or a periodic inspection performed by any state with a program; (iii) the inspection has been determined by the Federal Motor Carrier Safety Administration to be comparable to or as effective as the requirements of 49 C.F.R. Part 396 § 396.3(a); and (iv) documentation of such determination as provided for in 49 C.F.R. Part 396 § 396.3(b) is available for review by law-enforcement officials to verify that the inspection is current:

1. Any commercial motor vehicle operating in interstate commerce that is subject to the Federal Motor Carrier Safety Regulations;

2. Any trailer or semitrailer being operated in interstate commerce that is subject to the Federal Motor Carrier Safety Regulations.

§ 46.2-1158.1. Extension of validity of vehicle safety inspection approval decals issued for vehicles whose registered owners are persons in the armed services of the United States.

Notwithstanding any contrary provision of law, any vehicle safety inspection approval ~~sticker~~ *decal* issued for any vehicle that is principally garaged outside the Commonwealth while its registered owner is a person in the armed services of the United States shall be held not to have expired during the period of the owner's official absence from the Commonwealth in the armed services of the United States, regardless of whether such vehicle is operated in or through the Commonwealth during the owner's official absence from the Commonwealth in the armed services of the United States. Should the armed services member be domiciled in another state of the United States, nothing in this section shall be construed to absolve such person from obtaining a current inspection ~~sticker~~ *decal* from his state of domicile, if required by such state. In cases where a vehicle's owner has been officially absent from the Commonwealth because of service in the armed services of the United States but returns to Virginia following such official absence and the vehicle becomes operational in the Commonwealth, the vehicle's owner will have 14 calendar days following such return, Sundays and holidays excepted, to have the vehicle inspected. Furthermore, no penalty shall be imposed on any such owner or operator for operation of a motor vehicle, trailer, or semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route between the place where such vehicle is kept or garaged and an official inspection station for the purpose of having it inspected pursuant to an appointment with such station.

Motor vehicles owned and operated by persons on active duty with the United States armed forces who are Virginia residents stationed outside the Commonwealth at the time the inspection expires may be operated on the highways of the Commonwealth while persons on active duty are on leave, provided such vehicle displays a valid inspection sticker, *decal*, or *certificate* issued by another state.

For the purposes of this section, "service in 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.

§ 46.2-1161.1. Inspections of trailers and semitrailers equipped with heating or cooking appliances.

If any trailer or semitrailer subject to the periodic safety inspections required by this article is equipped with a heating or cooking appliance, the safety inspection of such trailer or semitrailer shall include a visual inspection of the venting of such cooking or heating appliance to the outside of the trailer or semitrailer. No safety inspection approval ~~sticker~~ *decal* shall be issued to any such trailer or semitrailer unless any such heating or cooking appliance is adequately vented to prevent the asphyxiation of occupants of any such trailer or semitrailer by the operation of the heating or cooking appliance.

§ 46.2-1163. Official inspection stations; safety inspection approval decals; actions of Superintendent subject to the Administrative Process Act.

The Superintendent may designate, furnish instructions to, and supervise official inspection stations for the inspection of motor vehicles, trailers, and semitrailers and for adjusting and correcting equipment enumerated in this chapter in such a manner as to conform to specifications hereinbefore set forth. The Superintendent shall adopt and furnish to such official inspection stations regulations governing the ~~making~~ *performance* of inspections required by this chapter. The Superintendent may at any time, after five days' written notice, revoke the designation of any official inspection station designated by him.

If no defects are discovered or when the equipment has been corrected in accordance with this title, the official inspection station shall issue to the operator or owner of the vehicle, on forms furnished by the Department of State Police, a duplicate of which is retained by such station, a *safety inspection approval* certificate showing the date of correction, registration number of the vehicle, and the official designation of such station. On or before December 1, 2010, any information an official inspection station is required to provide to the Department of State Police shall be accepted by the Department in electronic form. ~~There also shall be placed on the windshield of the vehicle at a place to be designated~~

305 by the Superintendent an approval sticker furnished by the Department of State Police. If any vehicle is
306 not equipped with a windshield, the approval sticker shall be placed on the vehicle in a location
307 designated by the Superintendent. If the vehicle is a motorcycle, the approval sticker may be placed on a
308 plate securely fastened to the motorcycle for the purpose of displaying the sticker or in any other
309 location designated by the Superintendent. This sticker *decal* shall be displayed on the windshield of
310 such vehicle or at such other designated place upon the vehicle at all times when it is operated or
311 parked on the highways in the Commonwealth and until such time as a new inspection period shall be
312 designated and a new inspection sticker *decal* issued. Common carriers, operating under certificate from
313 the State Corporation Commission or the Department of Motor Vehicles, who desire to do so may use
314 with the approval of the Superintendent *use* private inspection stations for the inspection and correction
315 of their equipment.

316 Actions of the Superintendent relating to official inspection stations shall be governed by the
317 provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

318 **§ 46.2-1175.1. Inspection of certain refuse collection and highway maintenance vehicles.**

319 No safety inspection approval sticker *decal* shall be issued under this article to any publicly or
320 privately owned vehicle (i) used for garbage and refuse collection and disposal or (ii) having a
321 manufacturer's gross vehicle weight rating of 10,001 pounds or more and used primarily for highway
322 repair or maintenance unless any such vehicle is equipped with a device, in good working order, which
323 automatically emits an audible alarm signal when the vehicle is operated in reverse gear. Any such
324 device shall be of a type approved by the Superintendent of State Police.

325 **2. That § 46.2-1164 of the Code of Virginia is repealed.**

326 **3. That regulations promulgated by the Commissioner of the Department of Motor Vehicles**
327 **pursuant to § 46.2-645 shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.)**
328 **and shall provide for the electronic submission of proof of passage of motor vehicle safety**
329 **inspections.**