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HOUSE BILL NO. 27

Offered January 10, 2018

Prefiled November 28, 2017

A BILL to amend and reenact § 46.2-1163 and 46.2-1164 of the Code of Virginia, relating to vehicle inspection sticker; location on vehicle.

Patron—Cole (By Request)

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1163 and 46.2-1164 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1163. Official inspection stations; safety inspection approval stickers; 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 *in this chapter*. The Superintendent shall adopt and furnish to such official inspection stations regulations governing the making 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 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 by the Superintendent~~ *rear window of the vehicle in the lower corner on the driver's side* an approval sticker furnished by the Department of State Police. If any vehicle is not equipped with a ~~windshield rear window~~, the approval sticker shall be placed on the vehicle in a location designated by the Superintendent. If the vehicle is a motorcycle, the approval sticker may be placed on a plate securely fastened to the motorcycle for the purpose of displaying the sticker or in any other location designated by the Superintendent. This sticker shall be displayed on the ~~windshield rear window~~ of such vehicle or at such other designated place upon the vehicle at all times when it is operated or parked on the highways in the Commonwealth and until such time as a new inspection period shall be designated and a new inspection sticker issued. Common carriers, operating under certificate from the State Corporation Commission or the Department of Motor Vehicles, who desire to do so may use with the approval of the Superintendent private inspection stations for the inspection and correction of their equipment.

The Superintendent shall provide motor vehicle safety inspection information upon the written request of an individual or corporate entity or such entity's agent. Any information provided shall not include personal information. The Superintendent may make a reasonable charge for furnishing information under this section but no fee shall be charged to any official of the Commonwealth, including court and police officials; officials of counties, cities, or towns; local government self-insurance pools; or the court, police, or licensing officials of other states or of the federal government, provided that the information requested is for official use and such officials do not charge the Commonwealth a fee for the provision of the same or substantially similar information. Vehicle information, including all descriptive vehicle data, submitted to or received from the Department of State Police related to such a request shall not be considered a public record for the purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The fees received by the Superintendent pursuant to this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department of State Police's motor vehicle safety inspection program.

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

§ 46.2-1164. Reinspection not required when windshield or rear window replaced; transfer of inspection sticker to new windshield or rear window; replacement of lost or damaged stickers.

When any vehicle requires the replacement of a windshield ~~pursuant to § 46.2-1058~~ *or rear window*, ~~it shall not be necessary to inspect such vehicle at the time of replacement~~ *no additional inspection shall be required* if a valid state inspection sticker is displayed on the windshield *or rear window* being replaced.

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59 The sticker found on the broken windshield *or rear window* may be removed and placed on the new
60 windshield *or rear window*.

61 The Superintendent may designate certain State Police officers to issue safety inspection approval
62 stickers to vehicles from which the original valid safety inspection approval sticker has been lost, stolen
63 or damaged without causing the vehicle to be reinspected, provided *that* the vehicle owner or operator
64 produces the original safety inspection approval sticker receipt issued to the vehicle within the past
65 eleven months. Such replacement safety inspection approval stickers shall be issued in accordance with
66 regulations promulgated by the Superintendent.

67 **2. That the Department of State Police's initial adoption of regulations necessary to implement the**
68 **provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of**
69 **the Code of Virginia), except that the Department of State Police shall provide an opportunity for**
70 **public comment on the regulations prior to adoption.**