

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 69

An Act to amend and reenact §§ 46.2-733 and 46.2-1158.01 of the Code of Virginia, relating to driving distance for testing certain motor vehicles.

[H 1677]

Approved February 21, 2019

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-733 and 46.2-1158.01 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-733. License plates for persons delivering unladen vehicles; fees.

A. On receipt of an application, the Commissioner shall issue appropriately designed license plates to persons engaged in the business of delivering unladen motor vehicles under their own power from points of assembly or distribution.

B. Every applicant for license plates to be issued under this section shall, before he begins delivery of any of these vehicles, apply to the Commissioner for a registration card and license plates. On the payment of a fee of \$75, a registration card and license plates shall be issued to the applicant in a form prescribed by the Commissioner. The Commissioner shall issue to the applicant two license plates. For each additional license plate, a fee of \$20 per plate shall be paid by the applicant.

C. It shall be unlawful for any person to use these license plates other than on unladen motor vehicles, trailers, and semitrailers which are being delivered from points of assembly or distribution in the usual course of his delivery business or which are used as provided in subsection D of this section. The operators of such vehicles being delivered, bearing license plates issued under this section, shall at all times during their operation have in their possession a proper bill of lading showing the point of origin and destination of the vehicle being delivered and describing it. It shall be unlawful for any person to use these license plates unless either the origin or the destination of the vehicle being delivered is within the Commonwealth.

D. License plates issued under this section may be used by any financial institutions specifically excluded from the definition of "motor vehicle dealer" in subdivision 5 of § 46.2-1500 for the purpose of using them in the normal course of business in taking, repossessing, or otherwise transporting vehicles for the purpose of preservation, sale, allowing a prospective buyer to test-drive the vehicle if the prospective buyer is accompanied by an employee of the financial institution or has the written permission of the financial institution on a form provided by the Department, or otherwise in connection with repossession or foreclosure of the vehicle on which there is a security interest securing a loan to a financial institution.

E. License plates issued under this section may be issued to any business engaged in automobile auctions or the mounting, installing, servicing, or repairing of equipment on or in a vehicle. The use of license plates issued under this section shall be limited to (i) the pick up and delivery of a vehicle or (ii) driving on the highway in order to test the installation, service, or repairs at a distance of not more than ~~five~~ 10 miles from the place of business and shall not be used on vehicles employed for general transportation.

§ 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 operated upon the highways of the Commonwealth 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; dealers or distributors may take delivery and operate upon the

highways of the Commonwealth 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 operated for test purposes by the manufacturer;

8. Motor vehicles, trailers, or semitrailers operated for test purposes by a certified inspector during the performance of an official inspection;

9. New motor vehicles, new trailers, or new semitrailers operated upon the highways of the Commonwealth over the most direct route to a location for installation of a permanent body;

10. Motor vehicles, trailers, or semitrailers purchased outside the Commonwealth driven to the purchaser's place of residence or the dealer's or distributor's designated place of business;

11. Prior to purchase from auto auctions, motor vehicles, trailers, or semitrailers operated upon the highways not to exceed a ~~five-mile~~ 10-mile radius of such auction by prospective purchasers only for the purpose of road testing and motor vehicles, trailers, or semitrailers purchased from auto auctions operated upon the highways from such auction to (i) an official safety inspection station provided that (a) the inspection station is located between the auto auction and the purchaser's residence or place of business or within a ~~five-mile~~ 10-mile radius of such residence or business and (b) the vehicle is taken to the inspection station on the same day the purchaser removes the vehicle from the auto auction or (ii) the purchaser's place of residence or business;

12. Motor vehicles, trailers, or semitrailers, after the expiration of a period fixed for the inspection thereof, (i) operated over the most direct route between the place where such vehicle is kept or garaged and an official inspection station or (ii) parked on a highway and that have been submitted for a motor vehicle safety inspection to 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. Such inspection shall be deemed to be the first inspection for the purpose of § 46.2-1158, and an inspection approval sticker furnished by the Department of State Police at the uniform price paid by all official inspection stations to the Department of State Police for an inspection approval sticker may be affixed to the vehicle as required by § 46.2-1163;

19. Mopeds;

20. Low-speed vehicles;

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

22. Military surplus motor vehicles as defined in § 46.2-100 and licensed pursuant to § 46.2-730.1.

B. The following shall be exempt from inspection as required by § 46.2-1157 provided that (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. § 396.3(a); and (iv) documentation of such determination as provided for in 49 C.F.R. § 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.