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HOUSE BILL NO. 1712

Offered January 9, 2019

Prefiled December 14, 2018

A BILL to amend and reenact §§ 16.1-69.48:1 and 46.2-646 of the Code of Virginia, relating to dismissal of summons for expiration of vehicle registration; proof of compliance.

Patron—Herring

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:1 and 46.2-646 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Assessment of the fees provided for in this section shall be based on (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251 or 19.2-303.2; or (vi) proof of compliance with law under §§ 46.2-104, 46.2-324, 46.2-613, 46.2-646, 46.2-711, 46.2-715, 46.2-716, 46.2-752, 46.2-1000, 46.2-1003, 46.2-1052, 46.2-1053, and 46.2-1158.02.

In addition to any other fee prescribed by this section, a fee of \$35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of \$61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund)(.573770);
2. Virginia Crime Victim-Witness Fund (.049180);
3. Regional Criminal Justice Training Academies Fund (.016393);
4. Courthouse Construction/Maintenance Fund (.032787);
5. Criminal Injuries Compensation Fund (.098361);
6. Intensified Drug Enforcement Jurisdiction Fund (.065574);
7. Sentencing/supervision fee (General Fund)(.131148); and
8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

C. In criminal actions and proceedings in district court for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$136. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund)(.257353);
2. Virginia Crime Victim-Witness Fund (.022059);
3. Regional Criminal Justice Training Academies Fund (.007353);
4. Courthouse Construction/Maintenance Fund (.014706);
5. Criminal Injuries Compensation Fund (.044118);
6. Intensified Drug Enforcement Jurisdiction Fund (.029412);
7. Drug Offender Assessment and Treatment Fund (.551471);

INTRODUCED

HB1712

59 8. Forensic laboratory fee and sentencing/supervision fee (General Fund)(.058824); and

60 9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

61 D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of
62 \$51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by
63 law, to the following funds in the fractional amounts designated:

64 1. Processing fee (General Fund)(.764706);

65 2. Virginia Crime Victim-Witness Fund (.058824);

66 3. Regional Criminal Justice Training Academies Fund (.019608);

67 4. Courthouse Construction/Maintenance Fund (.039216);

68 5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and

69 6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

70 **§ 46.2-646. Expiration and renewal of registration.**

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

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

92 C. The Commissioner may offer, at his discretion, an optional multi-year registration for all motor
93 vehicles, trailers, and semitrailers except for (i) those registered under the International Registration Plan
94 and (ii) those registered as uninsured motor vehicles. When this option is offered and chosen by the
95 registrant, all annual and twelve-month fees due at the time of registration shall be multiplied by the
96 number of years or fraction thereof that the vehicle will be registered.

97 D. For any summons issued for a violation of this section, the court may, in its discretion, dismiss
98 the summons where proof of compliance with this section is provided to the court on or before the court
99 date.