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SENATE BILL NO. 1382

Offered January 9, 2019

Prefiled January 8, 2019

A BILL to amend and reenact §§ 46.2-612 and 46.2-613 of the Code of Virginia, relating to reorganization of motor vehicle registration, licensing, and certificates of title statutes; segregation of criminal offenses and traffic offenses; alteration of judicial authority to dismiss related criminal offenses.

Patron—McDougle

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-612 and 46.2-613 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-612. Failure to surrender revoked certificate of title, registration card, license plates or decals; other offenses relating to registration, licensing, and certificates of title; penalties.

A. It shall be unlawful for the owner of any motor vehicle, trailer, or semitrailer, for which license plates, decals, or registration cards have been revoked pursuant to this article, to fail or refuse to surrender to the Department, on demand, a certificate of title if it is incorrect in any material particular; or a revoked registration card, license plates, and decals. Violation of this section subsection shall constitute a Class 2 misdemeanor.

B. No person shall:

1. Display or cause or permit to be displayed any registration card, certificate of title, or license plate or decal that he knows is fictitious or that he knows has been canceled, revoked, suspended, or altered; or display or cause or permit to be displayed on any motor vehicle, trailer, or semitrailer any license plate or decal that he knows is currently issued for another vehicle. Violation of this subdivision shall constitute a Class 2 misdemeanor.

2. Fail or refuse to surrender to the Department or the Department of State Police, on demand, any certificate of title, registration card, or license plate or decal that has been suspended, canceled, or revoked. Violation of this subdivision shall constitute a Class 2 misdemeanor.

3. Use a false name or address in any application for the registration of any motor vehicle, trailer, or semitrailer, for a certificate of title, or for any renewal or duplicate certificate or knowingly make a false statement of a material fact, knowingly conceal a material fact, or otherwise commit a fraud in any registration application. Violation of this subdivision shall constitute a Class 1 misdemeanor.

§ 46.2-613. Infractions relating to registration, licensing, and certificates of title; penalties.

A. No person shall:

1. Operate, park, or permit the operation or parking of a motor vehicle, trailer, or semitrailer owned, leased, or otherwise controlled by him on a highway unless (i) it is registered, (ii) a certificate of title therefor has been issued, and (iii) it has displayed on it the license plate or plates and decal or decals, if any, assigned to it by the Department for the current registration period, subject to the exemptions mentioned in Article 5 (§ 46.2-655 et seq.) and Article 6 (§ 46.2-662 et seq.). The provisions of this subdivision shall apply to the registration, licensing, and titling of mopeds on or after July 1, 2014.

2. Display or cause or permit to be displayed any registration card, certificate of title, or license plate or decal that he knows is fictitious or that he knows has been cancelled, revoked, suspended, or altered; or display or cause or permit to be displayed on any motor vehicle, trailer, or semitrailer any license plate or decal that he knows is currently issued for another vehicle. Violation of this subdivision shall constitute a Class 2 misdemeanor.

3. Possess or use any registration card, license plate, or decal to which he is not entitled or knowingly permit the use of any registration card, license plate, or decal by anyone not entitled to it.

4. Fail or refuse to surrender to the Department or the Department of State Police, on demand, any certificate of title, registration card, or license plate or decal which has been suspended, cancelled, or revoked. Violation of this subdivision shall constitute a Class 2 misdemeanor.

5. Use a false name or address in any application for the registration of any motor vehicle, trailer, or semitrailer, for a certificate of title, or for any renewal or duplicate certificate or knowingly make a false statement of a material fact, knowingly conceal a material fact, or otherwise commit a fraud in any registration application. Violation of this subdivision shall constitute a Class 1 misdemeanor.

6. Willfully and intentionally violate the limitations imposed under §§ 46.2-665, 46.2-666, and 46.2-670 while operating an unregistered vehicle pursuant to the agricultural and horticultural exemptions allowed under those sections. A first violation of this subdivision shall constitute a traffic

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59 infraction punishable by a fine of not more than \$250, and a second or subsequent violation of this
60 subdivision shall constitute a traffic infraction punishable by a fine of \$250.
61 B. For any summons issued for a violation of this section, the court may, in its discretion, dismiss
62 the summons, where proof of compliance with this section is provided to the court on or before the
63 court date.