

20101524D

HOUSE BILL NO. 193

Offered January 8, 2020

Prefiled December 27, 2019

A *BILL to amend and reenact §§ 46.2-665 and 46.2-698, as it is currently effective and as it may become effective, of the Code of Virginia, relating to vehicles used for agricultural and farm purposes; other uses.*

Patron—Orrock

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-665 and 46.2-698, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:

§ 46.2-665. Vehicles used for agricultural or horticultural purposes.

A. No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer used exclusively for agricultural or horticultural purposes on lands owned or leased by the vehicle's owner.

B. This exemption shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers that are not operated on or over any public highway in the Commonwealth for any purpose other than:

1. Crossing a highway;
2. Operating along a highway for a distance of no more than 75 miles from one part of the owner's land to another, irrespective of whether the tracts adjoin;
3. Taking the vehicle or attached fixtures to and from a repair shop for repairs;
4. Taking another vehicle exempt from registration under any provision of §§ 46.2-664 through 46.2-668 or 46.2-672, or any part or subcomponent of such a vehicle, to or from a repair shop for repairs, including return trips;
5. Operating along a highway to and from a refuse disposal facility for the purpose of disposing of trash and garbage generated on a farm; ~~or~~
6. Operating along a highway for a distance of no more than 75 miles for the purpose of obtaining supplies for agricultural or horticultural purposes, seeds, fertilizers, chemicals, or animal feed and returning; *or*
7. *Transporting the vehicle's owner between his residence and the lands being used for agricultural or horticultural purposes.*

or horticultural purposes.

C. Any law-enforcement officer may require any person operating a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the lands owned or leased by the vehicle's owner for agricultural or horticultural purposes *and the address of the residence address of the vehicle's owner*. If such address is unavailable or unknown, the law-enforcement officer may require such person to provide the real property parcel identification number of such lands.

§ 46.2-698. (Contingent expiration date) Fees for farm vehicles.

A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.2-697, as in effect on January 1, 2019 and notwithstanding the provisions of subsection C of § 46.2-697.2, and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee to be paid for each farm vehicle shall not be less than \$15.

B. A farm motor vehicle is used exclusively for farm use:

1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

a. Used in the transportation of agricultural products of the farm he is working to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm he is working, or when used for any other transportation incidental to the regular operation of such farm;

b. Used in transporting forest products, including forest materials originating on a farm or incident to the regular operation of a farm, to the farm he is working or transporting for any purpose forest products which originate on the farm he is working; or

c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked

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59 by him, pursuant to a mutual cooperative agreement.

60 2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his
61 immediate family in attending church or school, securing medical treatment or supplies, ~~or~~ securing
62 other household or family necessities, *or traveling between the operator's residence and the farm.*

63 C. As used in this section, the term "farm" means one or more areas of land used for the production,
64 cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not
65 also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this
66 section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural,
67 viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other
68 farm products.

69 D. The first application for registration of a vehicle under this section shall be made on forms
70 provided by the Department and shall include:

71 1. The location and acreage of each farm on which the vehicle to be registered is to be used;

72 2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms
73 and the approximate amounts produced annually;

74 3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for
75 one or more of the purposes specified in subsection B; and

76 4. Other information required by the Department.

77 The above information is not required for the renewal of a vehicle's registration under this section.

78 E. The Department shall issue appropriately designated license plates for those motor vehicles
79 registered under this section. The manner in which such license plates are designated shall be at the
80 discretion of the Commissioner.

81 F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his
82 next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for
83 farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based
84 on its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the
85 operation of any farm motor vehicle for which the fee for registration and license plates is herein
86 prescribed on any highway in the Commonwealth without first having paid the prescribed registration
87 fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for
88 purposes other than as provided under subsection B; or (iii) operate as a for-hire vehicle.

89 G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under
90 §§ 46.2-664 through 46.2-670.

91 H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used
92 by volunteer emergency medical services personnel and volunteer firefighters in responding to
93 emergency calls, in reporting for regular duty, and in attending emergency medical services agency or
94 fire company meetings and drills.

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103 size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

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105 points for sale or processing, or when used to transport materials, tools, equipment, or supplies which
106 are to be used or consumed on the farm he is working, or when used for any other transportation
107 incidental to the regular operation of such farm;

108 b. Used in transporting forest products, including forest materials originating on a farm or incident to
109 the regular operation of a farm, to the farm he is working or transporting for any purpose forest
110 products which originate on the farm he is working; or

111 c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked
112 by him, pursuant to a mutual cooperative agreement.

113 2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his
114 immediate family in attending church or school, securing medical treatment or supplies, ~~or~~ securing
115 other household or family necessities, *or traveling between the operator's residence and the farm.*

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