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**HOUSE BILL NO. 490**

Offered January 8, 2020

Prefiled January 3, 2020

*A BILL to amend and reenact § 46.2-698, as it is currently effective and as it may become effective, of the Code of Virginia, relating to farm vehicles; use.*

Patron—Marshall (By Request)

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

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

**§ 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~~ *when it is 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. 1. 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. 2. 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. 3. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by him, pursuant to a mutual cooperative agreement.

~~2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, or securing other household or family necessities.~~

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

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

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

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

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

4. Other information required by the Department.

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

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

F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the operation of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on any highway in the Commonwealth without first having paid the prescribed registration

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59 fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for  
60 purposes other than as provided under subsection B; or (iii) operate as a for-hire vehicle.

61 G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under  
62 §§ 46.2-664 through 46.2-670.

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

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

80 ~~b. 2. Used in transporting forest products, including forest materials originating on a farm or incident~~  
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