CHAPTER 744

An Act to amend and reenact §§ 9-6.14:14.1, 38.2-1902, 38.2-2217.1, 46.2-106, 46.2-200, 46.2-703, 52-8.4, 56-273, 56-291.9, 56-291.11, 56-291.13, 56-304, 56-304.1, 56-304.2, 56-304.3 through 56-304.9, 56-304.11, 58.1-2114, 58.1-2700, 58.1-2702, 58.1-2705 through 58.1-2709, and 58.1-2711 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 6 of Title 46.2 an article numbered 12, consisting of sections numbered 46.2-757 through 46.2-769; by adding in Title 46.2 a chapter numbered 19, consisting of sections numbered 46.2-1900 through 46.2-1950, a chapter numbered 20, consisting of sections numbered 46.2-2000 through 46.2-2014, a chapter numbered 21, consisting of sections numbered 46.2-2100 through 46.2-2109, a chapter numbered 22, consisting of sections numbered 46.2-2200 through 46.2-2212, a chapter numbered 23, consisting of sections numbered 46.2-2300 through 46.2-2309, a chapter numbered 24, consisting of sections numbered 46.2-2400 through 46.2-2419, and a chapter numbered 25, consisting of sections numbered 46.2-2500 through 46.2-2510; and by adding sections numbered 58.1-2700.1, 58.1-2700.2, 58.1-2700.3 and 58.1-2712.1; and to repeal §§ 56-274 through 56-291.3:7, 56-292 through 56-303.1, 56-304.12 through 56-304.16, Articles 9 and 10 (§§ 56-305 through 56-338) of Chapter 12 of Title 56, Chapters 12.1 through 12.5 (§§ 56-338.1 through 56-338.84), Chapter 12.7 (§§ 56-338.93 through 56-338.103), Chapter 12.8 (§§ 56-338.104 through 56-338.127), and Chapter 14.1 (§§ 56-457.1 through 56-457.10) of Title 56, and to repeal §§ 56-273, 56-291.9 through 56-291.13, 56-304 through 56-304.11, and 58.1-2712 of the Code of Virginia effective January 1, 1996, relating to motor vehicle carriers, household goods carriers, sight-seeing carriers, special or charter party carriers, carriers by motor launch, limousines and executive sedans, sight-seeing carriers by boat; Reciprocity Board; organization, powers, and duties of the Department of Motor Vehicles and the State Corporation Commission; hearing officers; effective dates; penalties.

[H 1963]

Approved April 6, 1995

Be it enacted by the General Assembly of Virginia:

1. That §§ 9-6.14:14.1, 38.2-1902, 38.2-2217.1, 46.2-106, 46.2-200, 46.2-703, 52-8.4, 56-273, 56-291.9, 56-291.11, 56-291.13, 56-304, 56-304.1, 56-304.2, 56-304.3 through 56-304.9, 56-304.11, 58.1-2114, 58.1-2700, 58.1-2702, 58.1-2705 through 58.1-2709, and 58.1-2711 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 46.2 an article numbered 12, consisting of sections numbered 46.2-757 through 46.2-769; by adding in Title 46.2 a chapter numbered 19, consisting of sections numbered 46.2-1900 through 46.2-1950, a chapter numbered 20, consisting of sections numbered 46.2-2000 through 46.2-2014, a chapter numbered 21, consisting of sections numbered 46.2-2100 through 46.2-2109, a chapter numbered 22, consisting of sections numbered 46.2-2200 through 46.2-2212, a chapter numbered 23, consisting of sections numbered 46.2-2300 through 46.2-2309, a chapter numbered 24, consisting of sections numbered 46.2-2400 through 46.2-2419, and a chapter numbered 25, consisting of sections numbered 46.2-2500 through 46.2-2510; and by adding sections numbered 58.1-2700.1, 58.1-2700.2, 58.1-2700.3 and 58.1-2712.1 as follows:

§ 9-6.14:14.1. Hearing officers.

A. In all hearings conducted in accordance with § 9-6.14:12, the hearing shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained in the Office of the Executive Secretary of the Supreme Court. Parties to proceedings conducted pursuant to § 9-6.14:11 may agree at the outset of the proceeding to have a hearing officer preside at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary shall have the power to promulgate rules necessary for the administration of the hearing officer system.

All hearing officers shall meet the following minimum standards:

1. Active membership in good standing in the Virginia State Bar;

2. Active practice of law for at least five years; and

3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive Secretary may require additional training before a hearing officer will be assigned to a proceeding before that agency.

These requirements must be met prior to being included on the list of hearing officers. All attorneys on the list as of July 1, 1986, shall satisfy these requirements by January 1, 1987, to remain on the list.

B. On request from the head of an agency, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. Lists reflecting

geographic preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency demonstrates the need.

C. A hearing officer shall voluntarily disqualify himself and withdraw from any case in which he cannot accord a fair and impartial hearing or consideration, or when required by the applicable rules governing the practice of law in the Commonwealth. Any party may request the disqualification of a hearing officer by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule of practice requiring disqualification.

The issue shall be determined not less than ten days prior to the hearing by the Executive Secretary of the Supreme Court.

D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case decision matter shall render that recommendation or conclusion within ninety days from the date of the case decision proceeding or from a later date agreed to by the named party and the agency. If the hearing officer does not render a decision within ninety days, then the named party to the case decision may provide written notice to the hearing officer and the Executive Secretary of the Supreme Court that a decision is due. If no decision is made within thirty days from receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for possible disciplinary action, unless good cause is shown for the delay.

E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after notice in writing and a hearing. When there is a failure by a hearing officer to render a decision as required by subsection D, the burden shall be on the hearing officer to show good cause for the delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for reconsideration, followed by judicial review in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.).

F. This section shall not apply to hearings conducted by (i) any commission or board where all of the members, or a quorum, are present; (ii) the Alcoholic Beverage Control Board, the Virginia Workers' Compensation Commission, the State Corporation Commission, the Virginia Employment Commission, the State Education Assistance Authority, or the Department of Motor Vehicles under ~~§§ 46.2-368, 46.2-389 through 46.2-416, 46.2-506, 46.2-705 through 46.2-710, 46.2-1501, 46.2-1514, 46.2-1542, 46.2-1543, 46.2-1563, 46.2-1572, 46.2-1573, 46.2-1576, 46.2-1601, 46.2-1704 through 46.2-1706,~~ *Title 46.2 (§ 46.2-100 et seq.),* ~~or~~ *§* 58.1-2409*, or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1*; or (iii) any panel of a health regulatory board convened pursuant to § 54.1-2400. All employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 (formerly §§ 65.1-11 and 65.1-12) by the Virginia Workers' Compensation Commission to conduct hearings pursuant to its basic laws shall meet the minimum qualifications set forth in subsection A of this section. Agency employees who are not licensed to practice law in this Commonwealth, and are presiding as hearing officers in proceedings pursuant to (ii) above shall participate in periodic training courses.

G. Notwithstanding the exemptions of subsection A of § 9-6.14:4.1, this article shall apply to hearing officers conducting hearings of the kind described in § 9-6.14:12 for the Department of Game and Inland Fisheries, the Virginia Housing Development Authority, the Milk Commission and the Virginia Resources Authority pursuant to their basic laws.

§ 38.2-1902. Scope of chapter.

A. Except as provided in subsection B of this section, this chapter applies to the classes of insurance defined in §§ 38.2-110 through 38.2-122.1, §§ 38.2-124 through 38.2-128 and §§ 38.2-130 through 38.2-133.

B. This chapter does not apply to:

1. Insurance written through the Virginia Workers' Compensation Plan pursuant to Chapter 20 (§ 38.2-2000 et seq.) of this title;

2. Insurance on a specific risk as provided in § 38.2-1920;

3. Reinsurance, other than joint reinsurance, to the extent stated in § 38.2-1915;

4. Life insurance as defined in § 38.2-102;

5. Annuities as defined in §§ 38.2-106 and 38.2-107;

6. Accident and sickness insurance as defined in § 38.2-109;

7. Title insurance as defined in § 38.2-123;

8. Insurance of vessels or craft used primarily in a trade or business, their cargoes, marine builders' risks and marine protection and indemnity;

9. Insurance against loss of or damage to hulls of aircraft, including their accessories and equipment, or against liability, other than workers' compensation and employers' liability, arising out of the ownership, maintenance or use of aircraft;

10. Automobile bodily injury and property damage liability insurance issued to: (i) any motor carrier of property who is required to file such insurance with the ~~Commission~~ *Department of Motor Vehicles* pursuant to ~~§ 56-299~~ *§ 46.2-1928* or any amendment to that section; ~~(ii) any petroleum tank truck carrier required by any rule or regulation of the Commission under § 56-338.36 to file such insurance~~

~~with the Commission;~~ or ~~(iii)~~ *(ii)* any motor carrier of property required by 49 U.S.C.A. § 315, or any rule or regulation prescribed by the Interstate Commerce Commission pursuant to 49 U.S.C.A. § 315, to file such insurance with the Interstate Commerce Commission;

11. Uninsured motorist coverage required by subsection A of § 38.2-2206;

12. Insurance written through the Virginia Automobile Insurance Plan. However, § 38.2-1905 shall apply to insurance written through the Plan;

13. Insurance provided pursuant to Chapter 27 (§ 38.2-2700 et seq.) of this title;

14. Home protection contracts as defined by § 38.2-2600 and their rates until such time as the Commission determines there is sufficient competition in the industry as provided by § 38.2-2608.

C. This chapter shall not apply to any class of insurance written (i) by any mutual assessment property and casualty insurance company organized and operating under the laws of this Commonwealth and doing business only in this Commonwealth, or (ii) by any mutual insurance company or association organized under the laws of this Commonwealth, conducting business only in this Commonwealth, and issuing only policies providing for perpetual insurance.

§ 38.2-2217.1. Insurers required to renew motor vehicle liability coverage for vanpools; exceptions.

A. As used in this section, "vanpooling" means the type of joint arrangement ~~as defined in subdivision (10) of § 56-274 and~~ *described in subdivision 6 of § 46.2-1900.1* where such motor vehicles are used to transport commuters to and from their places of employment on a regular basis. "Motor vehicle" as used in this section shall mean any motor vehicle designed to transport not less than ten nor more than fifteen passengers in fixed seats.

B. No insurer as defined in § 38.2-2212 shall cancel or refuse to renew a policy of liability insurance coverage for motor vehicles used in vanpooling as defined in subsection A of this section for a period of one year following July 1, 1986, except for one or both of the following specified reasons:

1. The named insured fails to discharge when due any payment of the premium for the policy or any installment thereof; or

2. The driving record of the named insured or any regular driver is such that it substantially increases the risk.

C. Notwithstanding any provision of this section, on and after July 1, 1986, no insurer who issues or renews a policy of motor vehicle liability insurance to an insured who intends to use a vehicle for vanpooling which was not so used at the time the policy was issued or last renewed shall be subject to the provisions of this section unless the insurer has received by certified mail thirty days' written notice that the insured intends to use the vehicle for vanpooling.

§ 46.2-106. Reciprocity Board; reciprocal agreements entered into by Governor.

The Reciprocity Board, hereinafter called the Board, is hereby created. The Board shall consist of three ex officio members: the Commissioner of the Department of Motor Vehicles, the Commonwealth Transportation Commissioner, and one of the members of the State Corporation Commission. A majority of the members of the Board shall constitute a quorum and the action of the majority of the members in attendance at any meeting shall be the action of the Board. Whenever a member of the Board is absent from a meeting of the Board, he may designate one of his assistants or employees to attend on his behalf. The assistant or employee shall be entitled to participate in the discussion and proceedings of the Board, but he shall not vote.

The Governor may, with the advice of the Board, enter into reciprocal agreements on behalf of the Commonwealth with the appropriate authorities of any state of the United States with respect to all taxes imposed by the Commonwealth and by any other state of the United States on motor vehicles, the operation of motor vehicles, or any transaction incident to the operation of motor vehicles. ~~However, no reciprocal agreement or other similar arrangement shall be entered into with respect to the road tax imposed by Chapter 27, Title 58.1, either under this section or any other section.~~

Except as provided in this section, all agreements entered into by the Governor with respect to any subject of reciprocity as to which provision is expressly made by statute shall conform to the provisions of that statute. As to any other subject of reciprocity appropriate to the powers vested in the Governor by this section, the Governor may, with the advice of the Board, agree to whatever terms and conditions as in his judgment are best calculated to promote the interests of the Commonwealth. Except as provided in this section, it is the policy of the Commonwealth to grant reciprocity to the residents of another state when that state grants reciprocity to the residents of the Commonwealth.

All agreements entered into by the Governor pursuant to this section shall be reduced to writing, and a copy shall be furnished to the Secretary of the Commonwealth, each member of the Reciprocity Board, and the Superintendent of State Police.

§ 46.2-200. Department of Motor Vehicles.

There shall be a Department of Motor Vehicles in the executive department, responsible to the Secretary of Transportation. The Department shall be under the supervision and management of the Commissioner of the Department of Motor Vehicles.

The Department shall be responsible for the administration of the motor vehicle license, registration and title laws; the issuance, suspension, and revocation of driver's licenses; the examination of applicants for and holders of driver's licenses; the administration, training, disciplining, and assignment of

examiners of applicants for driver's licenses; the administration of the safety responsibility laws, fuel tax laws, the provisions of this title relating to transportation safety, and dealer licensing laws*; the registration of property-carrying motor carriers and vehicles that may be required to be registered under the International Registration Plan or pay road tax as described under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 under the International Fuel Tax Agreement; the audit of property-carrying motor carriers for compliance with registration and road tax requirements; proof of financial responsibility; and any other services that may be required to create a single point of contact for motor carriers operating within and without the Commonwealth.*

§ 46.2-703. Reciprocal agreement with other states; assessment and collection of fees on an apportionment or allocation basis; registration of vehicles and reporting of road tax.

Notwithstanding any other provision of this title, the Governor may~~, with the advice of the Reciprocity Board, as authorized in § 46.2-106~~ *on the advice of the Department,* enter into reciprocal agreements on behalf of the Commonwealth with the appropriate authorities of any state of the United States or a state or province of a country providing for the assessing and collecting of license fees for motor vehicles, tractor trucks, trucks, trailers, and semitrailers on an apportionment or allocation basis, as outlined in the International Registration Plan developed by the ~~American Association of Motor Vehicle Administrators~~ *International Registration Plan, Inc.*

The Commissioner is authorized to audit the records of any owner, lessor, or lessee to verify the accuracy of any information required by any jurisdiction to determine the registration fees due. Based on this audit, the Commissioner may assess any owner, lessor, or lessee for any license fees due this Commonwealth, including interest and penalties as provided in this section. In addition to any other penalties prescribed by law, the Commissioner or the Reciprocity Board may deny the owner, lessor, or lessee the right to operate any motor vehicle on the highways in the Commonwealth until the assessment has been paid.

Trip permit registration may be issued for any vehicle or combination of vehicles which could be lawfully operated in the jurisdiction if full registration or proportional registration were obtained. The fee for this permit shall be fifteen dollars and the permit shall be valid for ten days.

Any person who operates or permits the operation of any motor vehicle, trailer, or semitrailer over any highway in the Commonwealth without first having paid to the Commissioner the fees prescribed and payable under this section shall be guilty of a Class 2 misdemeanor.

If the Commissioner ascertains that any fees which he is authorized to assess any owner, lessor, or lessee for any license year have not been assessed or have been assessed for less than the law required for the year because of failure or refusal of any owner, lessor, or lessee to make his records available for audit as provided herein, or if any owner, lessor, or lessee misrepresents, falsifies, or conceals any of these records, the Commissioner shall determine from any information obtainable the lawful fees at the rate prescribed for that year, plus a penalty of five percent and interest at the rate of six percent per year, which shall be computed on the fees and penalty from the date the fees became due to the date of assessment, and is authorized to make an assessment therefor against the owner, lessor, or lessee. If the assessment is not paid within thirty days after its date, interest at the rate of six percent per year shall accrue thereon from the date of such assessment until the fees and penalty are paid. The notice of the assessment shall be forthwith sent to the owner, lessor, or lessee by registered or certified mail to the address of the owner, lessor, or lessee as it appears on the records in the office of the Department. The notice, when sent in accordance with these requirements, shall be sufficient regardless of whether it was received.

If any owner, lessor, or lessee fails to pay the fees, penalty, and interest, or any portion thereof, assessed pursuant to this section, in addition to any other provision of law, the Attorney General or the Commissioner shall bring an appropriate action before the ~~State Corporation Commission~~ *Circuit Court of the City of Richmond* for the recovery of the fees, penalty, and interest, and judgment shall be rendered for the amount found to be due together with costs. If it is found that the failure to pay was willful on the part of the owner, lessor or lessee, judgment shall be rendered for double the amount of the fees found to be due, plus costs.

Notwithstanding any other provision of this title or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, the Governor, on the advice of the Department, may enter into reciprocal agreements on behalf of the Commonwealth with the duly authorized representatives of other jurisdictions providing for the road tax registration of vehicles, establishing periodic road tax reporting and road tax payment requirements from owners of such vehicles, and disbursement of funds collected due to other jurisdictions based on mileage traveled and fuel used in those jurisdictions.

Notwithstanding any statute contrary to the provisions of any reciprocal agreement entered into by the Governor or his duly authorized representative as authorized by this title, the provisions of the reciprocal agreement shall govern and apply to all matters relating to administration and enforcement of the road tax. In the event the language of any reciprocal agreement entered into by the Governor as authorized by this title is later amended so that it conflicts with or is contrary to any statute, the Department shall consider the amended language of the reciprocal agreement controlling and shall administer and enforce the road tax in accordance with the amended language of the reciprocal

agreement.

An agreement may provide for determining the base state for motor carriers, records requirements, audit procedures, exchange of information, persons eligible for tax licensing, defining qualified motor vehicles, determining if bonding is required, specifying reporting requirements and periods, including defining uniform penalties and interest rates for late reporting, determining methods for collecting and forwarding of motor fuel taxes and penalties to another jurisdiction, and other provisions as will facilitate the administration of the agreement.

The Governor may, as required by the terms of the agreement, forward to officers of another member jurisdiction any information in the Department's possession relative to the use of motor fuels by any motor carrier. The Department may disclose to officers of another state the location of offices, motor vehicles, and other real and personal property of motor carriers.

An agreement may provide for each state to audit the records of motor carriers based in the state to determine if the road taxes due each member jurisdiction are properly reported and paid. Each member jurisdiction shall forward the findings of the audits performed on motor carriers based in the member jurisdiction to each jurisdiction in which the carrier has taxable use of motor fuels. For motor carriers not based in the Commonwealth and which have taxable use of motor fuel in the Commonwealth, the Department may serve the audit findings received from another jurisdiction, in the form of an assessment, on the carrier as though an audit had been conducted by the Department.

Any agreement entered into pursuant to this chapter does not preclude the Department from auditing the records of any motor carrier covered by the provisions of this chapter.

The Department shall not enter into any agreement which would affect the motor fuel road tax rate.

The Department may adopt and promulgate such rules, regulations, and procedures as may be necessary to effectuate and administer this title. Nothing in this title shall be construed to affect the tax rate provisions found in Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1.

Notwithstanding any other provision in this title or Title 56, the Governor, on the advice of the Department, may participate in the reciprocal standards for registration with states as authorized under 49 U.S.C. § 11506 and 49 C.F.R. Part 1023.

Article 12.

Insurance Requirements for Motor Carriers.

§ 46.2-757. Definitions and application of article.

A. The following words and phrases when used in this article shall have the following meanings, except where the context clearly indicates a different meaning:

"Authorized insurer" means, in the case of an interstate motor carrier whose operations may or may not include intrastate activity, an insurer authorized to transact business in any one state, or, in the case of a solely intrastate motor carrier, an insurer authorized to transact business in the Commonwealth.

"Identification marker" means a decal or other visible identification issued by the Department to show (i) that the operator of the vehicle has registered with the Department for the payment of the road tax imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, and/or (ii) proof of the possession of a certificate or permit issued pursuant to Chapters 19, 20, 21, 22, 23, 24, and 25 of this title.

"Motor carrier" means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property or passengers by motor vehicle.

"Operation" means the movement on a public highway of the Commonwealth of a loaded or empty motor vehicle that is owned by, leased to, or rented to a motor carrier.

"Operator" means the employer or person actually driving a motor vehicle or combination of vehicles.

"Single State Insurance Receipt" means any receipt issued pursuant to 49 C.F.R. 1023 evidencing that the carrier has the required insurance and paid the requisite fees to the Commonwealth and other qualified jurisdictions.

B. Unless otherwise stated, this article shall apply to all motor carriers that have registered with the Department for the payment of registration fees as required under this title.

§ 46.2-758. Surety bonds, insurance, letter of credit or securities required prior to issuance of registration.

A. No certificate, permit, identification marker, registration card or license plate shall be issued by the Department to any vehicle operated by a motor carrier until the motor carrier certifies to the Department that the vehicle is covered by:

1. An insurance policy or bond;

2. A certificate of insurance in lieu of the insurance policy or bond, certifying that such policy or bond covers the liability of such motor carrier in accordance with the provisions of this article, is issued by an authorized insurer, or in the case of bonds, is in an amount approved by the Department. The bonds may be issued by the Commonwealth of Virginia, the United States of America, or any municipality in the Commonwealth. Such bonds shall be deposited with the State Treasurer and the surety shall not be reduced except in accordance with an order of the Department;

3. An unconditional letter of credit, issued by a bank doing business in Virginia, for an amount

approved by the Department. The letter of credit shall be in effect so long as the motor carrier operates motor vehicles in the Commonwealth; or

4. In the case of a lessor who acts as a registrant for purposes of consolidating lessees' vehicle registration applications, a statement that the registrant has, before leasing a vehicle, obtained from the lessee an insurance policy, bond, or certificate of insurance in lieu of the insurance policy or bond and can make available said proof of insurance coverage upon demand.

Vehicles belonging to carriers who have filed proof of financial responsibility in accordance with the provisions of § 11506 of Title 49 of the United States Code are deemed to have fulfilled the requirements of this title for insurance purposes, provided there is on board the vehicle a copy of a single state insurance receipt issued pursuant to 49 C.F.R. 1023. The Department is further authorized to issue single state registration receipts to any qualified carrier as well as to collect and disperse the fees for and to qualified jurisdictions.

B. All motor carriers shall keep in force at all times insurance, a bond or bonds, in an amount required by the Department for motor carriers operating in intrastate commerce under this section; however, for any motor vehicle used in the transportation of property alone, the required amount shall in no case exceed the following: $100,000 for death or injury to any one person; $500,000 total public liability for any one accident; property damage, $50,000; and cargo liability, $10,000. Motor carriers engaged exclusively in the transportation of commodities in bulk shall not be required to file any cargo insurance, bond or bonds for cargo liability.

C. The minimum insurance for motor carriers operating in interstate commerce shall not be less than the minimum required by federal law, rule, or regulation.

§ 46.2-759. Policies or surety bonds to be filed with the Department and securities with State Treasurer.

Each motor carrier which is the holder of a registration card, license plate, certificate, permit or identification marker issued by the Department shall keep on file with the Department proof of an insurance policy or bond in accordance with this article. Such prior filings as have been made on behalf of interstate motor carriers to the State Corporation Commission shall be kept in full force at all times at the Department. The policy or bond shall remain in the files of the Department six months after the certificate, registration card, license plate, identification marker or permit is canceled for any cause. If federal, state, or municipal bonds are deposited with the State Treasurer in lieu of an insurance policy, the bonds shall remain deposited until six months after the registration card, license plate, certificate, permit or identification marker is canceled for any cause unless otherwise ordered by the Department.

The Commission shall transfer such information as is necessary to complete the transition from filings made at the Commission to future filings made with the Department.

§ 46.2-760. Condition or obligation of security.

The insurance, bond or other security provided for in § 46.2-759 shall obligate the insurer or surety to pay any final judgment for (i) damages sustained by the shippers or consignees for injury to any passenger or passengers or for loss or damage to property entrusted to such motor carrier when a cargo policy is required and (ii) any and all injuries to persons and loss of or damage to property resulting from the negligent operation of any motor vehicle.

§ 46.2-761. Effect of failure to give security; penalty.

A. Failure of any motor carrier which is the holder of a registration card, license plate, certificate, permit or identification marker issued by and under the authority of the Department to comply with any of the requirements of this article shall be cause for either (i) the revocation or suspension of all registration cards, license plates, certificates, permits, and identification markers issued to that holder or (ii) a civil penalty not exceeding $1,000.

B. When informed that the right to operate a vehicle has been denied, the driver shall drive the vehicle to a nearby location off the public highways and not move it or allow it to be moved until the judgment or penalty has been satisfied. Failure by the driver to comply with this provision shall constitute a Class 4 misdemeanor.

C. Each carrier who is required to file insurance under this article or is engaged in operations governed by Chapter 19, 20, 21, 22, 23, 24, or 25 of Title 46.2 shall be issued, at the discretion of the Department, an identification marker. The expiration dates and costs will be in accordance with the provisions of § 58.1-2700.1.

D. All carriers holding permits and certificates issued by the Department, or required to show proof of insurance under this article, shall place the identification markers issued by the Department on each vehicle operated in the Commonwealth in the place prescribed by the Department, unless the operation is interstate in nature and the carrier has been issued a single state registration receipt by the Department or other qualified jurisdiction. Failure to comply with this provision will constitute a Class 4 misdemeanor.

§ 46.2-762. Temporary emergency operation.

In an emergency, the Department or its agents may, by letter, telegram, or other means, authorize a vehicle to be operated in the Commonwealth without a proper registration card or identification marker

for not more than ten days. Before sending such authorization, the Department shall collect from the owner or operator a fee of twenty dollars for each vehicle to be so operated.

§ 46.2-763. Title to plates and markers.

All registration cards and identification markers issued by the Department shall remain the property of the Department.

§ 46.2-764. Application blanks.

The Department shall prepare forms to be used in making applications in accordance with this article, and the applicant shall furnish all material information called for by such forms.

§ 46.2-765. Violations declared to be misdemeanors; penalties.

A. The following violations of laws shall be punished as follows:

1. Any person who does not obtain a proper registration card, identification marker, or other evidence of registration as required by this article shall be guilty of a Class 4 misdemeanor.

2. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle that does not carry the proper registration and identification that this article requires or any motor vehicle that does not display (i) an identification marker in such manner as is prescribed by the Department or (ii) other identifying information that this article requires it to display shall be guilty of a Class 4 misdemeanor.

3. Any person who knowingly displays or uses on any vehicle operated by him any identification marker or other identification which has not been issued to the owner or operator thereof for such vehicle and any person who knowingly assists him to do so shall be guilty of a Class 3 misdemeanor.

4. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle requiring registration from the Department under this article after such registration cards or identification markers have been revoked, canceled or suspended shall be guilty of a Class 3 misdemeanor.

B. The officer charging the violation under this article shall serve a citation on the operator of the vehicle in violation. Such citation shall be directed to the owner, operator or other person responsible for the violation as determined by the officer. Service of the citation on the vehicle operator shall constitute service of process upon the owner, operator, or other person charged with the violation under this article, and shall have the same legal force as if served within the Commonwealth personally upon the owner, operator, or other person charged with the violation, whether such owner, operator, or other person charged is a resident or nonresident.

§ 46.2-766. Other offenses; penalties.

The Department may impose a civil penalty not exceeding $1,000 if it is proved that the defendant has:

1. Made any misrepresentation of a material fact to obtain proper operating credentials as required by this article or other requirements in this Code regulating the operation of motor vehicles;

2. Failed to make any report required in this article;

3. Failed to pay any fee or tax properly assessed against him; or

4. Failed to comply with any lawful order, rule or regulation of the Department.

Any such penalty shall be imposed by order entered after a hearing. Notice of such hearing shall be served on the defendant not less than ten days before the date of the hearing. Instead of or in addition to imposing such penalty, the Department may suspend, revoke, or cancel any registration card or identification marker issued pursuant to this article. If, in any such case, it appears that the defendant owes any fee or tax to the Commonwealth, the Department shall enter order therefor.

§ 46.2-767. Participation in federal programs; regulations.

The Department may promulgate regulations implementing the requirements of any program established under federal law intended to accomplish objectives similar to those provided in this article.

§ 46.2-768. Vehicle seizure; penalty.

A. Any police officer of the Commonwealth authorized to serve process may hold a motor vehicle owned by a person against whom an order or penalty has been entered, but only for such time as is reasonably necessary to promptly petition for a writ of fieri facias. The Commonwealth shall not be required to post bond in order to hold and levy upon any vehicle held pursuant to this section.

B. Upon notification of the judgment or penalty entered against the owner of the vehicle and notice to such person of the failure to satisfy the judgment or penalty, any investigator, special agent, or officer of the Commonwealth shall thereafter deny the offending person the right to operate the motor vehicle on the highways of the Commonwealth.

§ 46.2-769. Licenses, taxes, etc., not affected.

Nothing in this article shall be construed to relieve or exempt any person from the payment of any fees, taxes, or levies now or hereafter imposed by law.

CHAPTER 19.
REGULATION OF MOTOR VEHICLE CARRIERS GENERALLY.

§ 46.2-1900. Definitions.

Whenever used in this chapter unless expressly stated otherwise:

"Broker" means any person not included in the term "motor carrier" and not a bona fide employee

or agent of any such carrier, who, as principal or agent, sells or offers for sale any transportation subject to this chapter, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

"Certificate" means a certificate of public convenience and necessity issued by the Department of Motor Vehicles to common carriers by motor vehicle and restricted common carriers by motor vehicle under this chapter authorizing the transportation of passengers over the public highways of the Commonwealth; but nothing contained in this chapter shall be construed to mean that the Department can issue any such certificate authorizing intracity transportation.

"Common carrier by motor vehicle" means any person who undertakes, whether directly or by a lease or any other arrangement, to transport passengers for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail or water under this chapter.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys in towns and cities.

"Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than sixteen passengers and used in the transportation of passengers.

"Motor carrier" includes a common carrier by motor vehicle and a restricted common carrier by motor vehicle.

"Operation" or "operations" includes the operation of all motor vehicles as defined in this section, whether loaded or empty, whether for compensation or not, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

"Permit" means a permit issued by the Department to contract carriers by motor vehicle or to operators of taxicabs or other vehicles performing taxicab service under this chapter.

"Person" means any individual, firm, copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"Restricted common carrier by motor vehicle" means any person who undertakes, whether directly or by a lease or other arrangement, to transport passengers or household goods of any restricted class or classes by motor vehicle for compensation, whether over regular or irregular routes.

"Route," when used in connection with or with respect to a certificate of public convenience and necessity, means the road or highway, or segment thereof, operated over by the holder of a certificate of public convenience and necessity or proposed to be operated over by an applicant therefor, whether such road or highway is designated by one or more highway numbers.

"Services" and "transportation," include the service of, and all transportation by, all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, expressed or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of passengers or property or the performance of any service in connection therewith.

"Taxicab or other motor vehicle performing a taxicab service" means any motor vehicle having a seating capacity of not more than six passengers, not operating on a regular route or between fixed terminals used in the transportation of passengers for hire or for compensation, and not a common carrier or restricted common carrier as defined in this chapter.

§ 46.2-1900.1. Vehicles excluded from operation of chapter.

This chapter shall not be construed to include:

1. Motor vehicles employed solely in transporting school children and teachers;

2. Taxicabs or other motor vehicles performing bona fide taxicab service having a seating capacity of not more than six passengers, while operating in a county, city, or town which has or adopts an ordinance regulating and controlling taxicabs and other vehicles performing a bona fide taxicab service, and not operating on a regular route or between fixed termini. Each operator of a motor vehicle performing a bona fide taxicab service shall file insurance as required under § 46.2-1928 unless evidence can be shown the Department that the operator is a self-insurer under an ordinance of the city or county where the home office of the operator is located; and failure to keep insurance in force shall subject the operator to cancellation of any authority under this chapter;

3. Motor vehicles owned or operated by or on behalf of hotels while used exclusively for the transportation of hotel patronage between hotels and local railroad or other common carrier stations;

4. Motor vehicles owned and operated by the United States, the District of Columbia, or any state, or any municipality or any other political subdivision of this Commonwealth, including vehicles used exclusively for handling United States mail, and passenger-carrying motor vehicles while being operated under an exclusive contract with the United States;

5. Motor vehicles while used exclusively in transporting only bona fide employees directly to and from the factories, plants, offices or other places of like nature where they are employed and accustomed to work. The operator of such vehicle shall first secure from the Department a permit and the necessary identification marker for each vehicle so operated, neither of which shall be issued by the Department unless the applicant furnishes to the Department at the time the application is made, a statement in writing signed by the applicant (i) setting forth the names and locations of the factories,

plants, offices or other places of like nature to and from which the applicant proposes to operate and (ii) stating that such applicant will transport only bona fide employees of such factories, plants, offices or like places to and from work; the permit shall be subject to revocation or suspension, and the holder thereof subject to the imposition of penalties by the Department for any of the causes and in the manner and to the extent provided for by the Department. Any permit issued by the Department under the provisions of this section prior to July 1, 1950, shall, unless suspended or revoked as herein provided, continue to be valid; but any such permit or permit holder shall in all other respects be subject to the provisions of this section;

6. Any motor vehicle while transporting not more than fifteen passengers in addition to the driver, if the driver and the passengers are engaged in a share-the-ride undertaking and if they share not more than the expenses of operation of the vehicle. Regular payments toward a capital recovery fund or used to pay for leasing the vehicle are to be considered eligible expenses of operation;

7. Motor vehicles while used exclusively in the transportation of passengers within the corporate limits of incorporated cities or towns, and motor vehicles used exclusively in the regular transportation of passengers within the boundaries of such cities or towns and adjacent counties where such vehicles are being operated by such county or pursuant to a contract with the board of supervisors of such county;

8. Minibuses controlled and operated by a bona fide nonprofit corporation organized or existing under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 of the Code of Virginia, or by a tax-exempt organization as defined in §§ 501 (c) (3) and 501 (c) (4) of the United States Internal Revenue Code, as from time to time amended, while used exclusively in the transportation, for hire, for compensation, or otherwise, of members of such organization if it is a membership corporation, or of elderly, handicapped or economically disadvantaged members of the community served by such organization if it is not a membership corporation. Such minibuses shall not be operated over the same or an adjacent route and on a similar schedule as a holder of a certificate of public convenience and necessity or as a public transportation authority. Each operator of a minibus hereby excluded shall be issued an identification marker under subsection C of § 46.2-761 and shall file insurance as required under § 46.2-1928 unless evidence can be shown the Department that the operator is a self-insurer under an ordinance of the city or an ordinance of the county where the registered office of the operator is located. Failure to keep insurance in force shall subject the operator to cancellation of its exemption card and withdrawal of its classification plate;

9. Motor vehicles while operated under the exclusive regulatory control of a transportation district commission acting pursuant to Chapter 32 (§ 15.1-1342 et seq.) of Title 15.1;

10. One insured vehicle which is owned by a person as defined in § 46.2-1900 and which is more than fifty years old, when operated during the daytime on trips returning to the point of origin;

11. Motor vehicles used for the transportation of passengers by nonprofit, nonstock corporations funded solely by federal, state or local subsidies, the use of which motor vehicles is restricted as to regular and irregular routes to contracts with four or more counties and, at the commencement of the operation, no certificated carrier provides the same or similar services within such counties.

§ 46.2-1900.2. Section 46.2-1900.1 not to exempt from requirements of Article 12 of Chapter 6.

The provisions of § 46.2-1900.1, except subsection 10, shall not be construed to exempt any person or any vehicle from the requirements of Article 12 (§ 46.2-757 et seq.) of Chapter 6 relating to identification markers.

§ 46.2-1901. Regulation by Department; reports; prevention of discrimination; regulation of leasing of motor vehicles.

The Department shall supervise, regulate and control all common carriers by motor vehicle and restricted common carriers by motor vehicle, doing business in the Commonwealth, and all matters relating to the performance of their public duties and their charges therefor, and shall correct abuses therein by such carriers; and to that end the Department shall, from time to time, prescribe reasonable rules, regulations, forms and reports for such carriers in furtherance of the administration and operation of this chapter; and the Department shall have the right at all times to require from such motor carriers special reports and statements, under oath, concerning their business.

The Department shall, from time to time, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any carrier in favor of, or against, any person, locality, community or connecting carrier in the matter of service, schedule, efficiency of transportation or otherwise, in connection with the public duties of such carrier. The Department shall administer and enforce all provisions of this chapter, and prescribe reasonable rules, regulations and procedure looking to that end.

The Department may, from time to time, prescribe and enforce such reasonable requirements, rules and regulations in the matter of leasing of motor vehicles as are necessary to prevent evasion of the Department's regulatory powers. This power of the Department to regulate leasing shall not be limited to those motor carriers of property doing business in this Commonwealth but shall include all persons not otherwise exempted who are operating motor vehicles on any highway in Virginia.

§ 46.2-1902. Regulation of brokers.

The Department shall also regulate brokers and make and enforce reasonable requirements respecting their licenses, financial responsibility, accounts, records, reports, operations and practices.

§ 46.2-1903. Appointment of police agents.

The president or any other executive officer of a motor carrier company, incorporated in the Commonwealth may, with the approval of the judge of any court of record wherein the motor carrier company has terminal facilities, appoint one or more police agents, who shall have authority in all cases in which the rights of such motor carrier company are involved to exercise, within the Commonwealth, all the powers which can lawfully be exercised by any conservator of the peace for the preservation of the peace, the arrest of offenders and disorderly persons, and for the enforcement of the laws against crime; such president or other executive officer may, with the approval of the judge of any court of record as aforesaid, revoke such appointment. Any judge aforesaid giving such consent may at any time revoke it.

§ 46.2-1904. Required certificates of public convenience and necessity.

No common carrier by motor vehicle or restricted carrier by motor vehicle not herein exempted shall engage in intrastate operation on any highway within the Commonwealth without first having obtained from the Department a certificate of public convenience and necessity authorizing such operation.

§ 46.2-1905. Application for certificate; notice, etc.

The Department shall prescribe the form of the application for a certificate of convenience and necessity, and such reasonable requirements as to notices, publication, proof of service and information as may in its judgment be necessary.

§ 46.2-1906. Filing fees and annual fee.

Every applicant for a certificate and transfer of a certificate under the provisions of this chapter shall, upon the filing of an application, deposit with the Department, as a filing fee, a sum in the amount of fifty dollars.

§ 46.2-1907. Hearing on application; action of Department.

Upon the filing of an application for a certificate of public convenience and necessity, the Department shall, within a reasonable time, fix a time and place of hearing on such application. If the Department finds the proposed operation justified, it shall issue a certificate to the applicant, subject to such terms, limitations and restrictions as the Department may deem proper. If the Department finds the proposed operation not justified, the application shall be denied.

§ 46.2-1908. No certificate to issue when service already adequate.

No certificate shall be granted to an applicant proposing to operate over the route of any holder of a certificate unless it is proved to the satisfaction of the Department that the service rendered by such certificate holder, over such route, is inadequate to the requirements of the public necessity and convenience; and if the Department is of the opinion that the service rendered by such certificate holder over such route is in any respect inadequate to the requirements of the public necessity and convenience, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy before any certificate shall be granted to an applicant proposing to operate over such route.

For the purpose of this section, the transportation of passengers by an urban-suburban bus line, hereby defined as a bus line the majority of whose passengers use the buses for traveling a distance of not exceeding forty miles, measured one way, on the same day, between their places of abode and their places of work, shopping areas, or schools, shall not be deemed an operation over the route of any common carrier of passengers holding a certificate of public convenience and necessity.

§ 46.2-1909. Certificates for passenger carriers operating over Interstate Highway System.

Notwithstanding the provisions of § 46.2-1908, upon a showing of public convenience and necessity, the Department of Motor Vehicles may, if it finds from the evidence, after a public hearing, that the public interest will be promoted thereby, issue to any carrier of passengers by motor vehicle a certificate or certificates authorizing operations in the Commonwealth upon highways which are part of the Interstate Highway System. The foregoing shall be applicable only to issuance of certificates for operations over such System. Except as indicated in this section, all other applicable provisions of this chapter shall apply to such carriers and to such certificates.

§ 46.2-1910. Irregular route passenger certificates.

Notwithstanding any of the provisions of § 46.2-1908, the Department may grant common carrier of passengers certificates to applicants to serve irregular routes on an irregular schedule within a specified geographic area. The Department shall issue no more certificates than the public convenience and necessity requires, and shall place such restrictions upon such certificates as may be reasonably necessary to protect any existing regular or irregular route common carrier of passengers certificate holders operating within the proposed service area, but shall not deny a certificate solely on the ground that the applicant will operate in the same service area that an existing regular or irregular route common carrier of passengers certificate holder is operating. Certificates issued hereunder shall be restricted to operation of vehicles with a passenger-carrying capacity not to exceed fifteen persons and shall be restricted to prohibit pickup or delivery of passengers at their personal residence in any city having a population between 260,000 and 265,000 as determined by the 1990 census. Such restriction shall not apply to specially equipped vehicles for the transportation of disabled persons.

§ 46.2-1911. Considerations for determination of issuance of certificate.

In determining whether the certificate required by this chapter shall be granted, the Department may, among other things, consider the present transportation facilities over the proposed route of the applicant or, in the case of irregular route applications within the applicant's proposed service area, the volume of traffic over such route or, in the case of irregular route applications within the proposed service area, the financial condition of the applicant, and the condition of the highway over the proposed route or routes or, in the case of passenger applications, within the proposed service area.

§ 46.2-1912. Schedule changes require Department approval.

A common carrier by motor vehicle or a restricted common carrier by motor vehicle operating under a certificate issued by the Department shall not make any change in schedules or service without having first received the approval of the Department for such change in schedules or service.

§ 46.2-1913. Permit required for taxicab service.

It shall be unlawful for any taxicab or other motor vehicle performing a taxicab service to operate on any public highway in the Commonwealth outside the corporate limits of incorporated cities or towns without first obtaining from the Department a permit in accordance with the provisions of this chapter.

§ 46.2-1914. Notice of abandonment of taxicab service.

Every taxicab operator or operator of a motor vehicle performing a taxicab service who ceases operation or abandons his rights under a permit issued shall notify the Department within thirty days of such cessation or abandonment.

§ 46.2-1915. Chapter does not make taxicab operators common carriers.

Nothing in this chapter shall be construed to make or constitute operators of taxicabs or other motor vehicles performing a taxicab service common carriers.

§ 46.2-1916. Regulation of taxicab service by localities; rates and charges.

A. The governing body of any county, city or town in the Commonwealth may by ordinance regulate the rates or charges of any motor vehicles used for the transportation of passengers for a consideration on any highway, street, road, lane or alley in such county, city or town, and may prescribe such reasonable regulations as to filing of schedules of rates, charges and the general operation of such vehicles; provided that, notwithstanding anything contained in this chapter to the contrary, such ordinances and regulations shall not prescribe the wages or compensation to be paid to any driver or lessor of any such motor vehicle by the owner or lessee thereof.

B. In considering rates or charges, the governing body may require any owner or operator to submit such supporting financial data as may be necessary, including federal or state income tax returns for the two years preceding; provided that such income tax returns submitted shall be used only for consideration of such rates or charges and shall be kept confidential by the governing body concerned; and provided further that the governing body shall not require any owner or operator to submit any audit more extensive than that conducted by such owner or operator in the normal course of business.

§ 46.2-1917. Same; license and payment of license tax may be required.

The governing body of any county, city or town may require a license for and impose upon and collect a license tax from every person, firm, association or corporation who or which operates or intends to operate in such county, city or town any taxicab or other motor vehicle for the transportation of passengers for a consideration. The tax may be upon each such motor vehicle so operated. The governing body of the county, city or town may by ordinance provide for levying and collecting the tax and may impose penalties for violations of the ordinance and for operating any such vehicle without obtaining the required license. Any person accepting a license issued under authority of this section and operating a taxicab business based in a county, city or town shall be subject to the provision that any complaint relating to taxicab service in the Commonwealth shall be resolved under the license regulations of the county, city or town from which that person obtained a taxicab license.

§ 46.2-1918. Same; when license may not be required.

No such county, city or town shall require a license or impose a license tax for the operation of any such motor vehicle for which a similar license is imposed or tax levied by the county, city or town of which the owner or operator of the motor vehicle is a resident, except that such license may be required and such license tax imposed by any such county, city or town for the operation of any such motor vehicle if the owner, lessee or operator thereof maintains a taxicab stand or otherwise solicits business within such county, city or town; nor, except as herein expressly authorized, shall more than one county, city or town impose any such license fee or tax on the same vehicle. This chapter shall not be construed to apply to common carriers of persons operating as public carriers by authority of the Department of Motor Vehicles or under a franchise granted by any county, city or town.

§ 46.2-1919. Same; qualifications of operators; stands.

The governing body of any county, city or town may prescribe such reasonable regulations as to the character and qualifications of operators of any such vehicle as it deems proper and may provide for the designation and allocation, by the sheriff or chief of police, of stands for such vehicles and the persons who may use the same.

§ 46.2-1920. Same; penalty for violation of provisions of chapter or regulations.

Every owner or operator of a motor vehicle used as a vehicle for the transportation of persons for a

consideration on any highway, street, road, lane or alley in any county, city or town who violates any of the provisions of this chapter or regulations of a governing body made pursuant to this chapter shall be guilty of a misdemeanor and upon conviction thereof be fined not more than $100 for the first offense and not more than $500 for each subsequent offense.

§ 46.2-1920.1. Regulation of number of taxicabs.

A. It is the policy of this Commonwealth, based on the public health, safety and welfare, to assure safe and reliable privately operated taxicab service for the riding public in this Commonwealth; and in furtherance of this policy, it is recognized that it is essential that counties, cities and towns be granted the authority to reasonably regulate such taxicab service as to the number of operators and the number of vehicles which shall provide such service and regulations as to the rates or charges for such taxicab service, even though such regulations may have an anti-competitive effect on such service by limiting the number of operators and vehicles within a particular jurisdiction.

B. The governing body of any county, city or town in the Commonwealth may regulate by ordinance and limit the number of taxicab operators and the number of taxicabs within its jurisdiction in order to provide safe and reliable privately operated taxicab service on any highway, street, road, lane or alley in such county, city or town. The governing body may promulgate such reasonable regulations to further the provisions of this section including, but not limited to, minimum liability insurance requirements. However, such ordinances and regulations shall not prescribe the wages or compensation to be paid to any driver or lessor of any such motor vehicle by the owner or lessee thereof. Further, such ordinances and regulations shall not impose (i) regulatory requirements concerning claims settlement practices beyond those imposed by § 46.2-1932 or (ii) financial requirements to qualify as a self-insurer beyond those imposed by § 46.2-1928 on any taxicab operator who, in lieu of filing an insurance policy or surety bond, has qualified as a self-insurer pursuant to § 46.2-1928 by depositing with the State Treasurer state, federal or municipal bonds or has filed an unconditional letter of credit issued by a bank. Nothing herein shall be construed to affect or control the authority of counties, cities or towns to set the amount, if any, of locally established liability insurance requirements which may be met by a program of self-insurance.

§ 46.2-1921. When broker's license required.

No person shall for compensation sell or offer for sale transportation subject to this chapter or shall make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for such transportation or shall hold himself out by advertisement, solicitation, or otherwise as one who sells, provides, procures, contracts, or arranges for such transportation, unless such person holds a broker's license issued by the Department to engage in such transactions; however, the provisions of this section shall not apply to any carrier holding a certificate or permit under the provisions of this chapter or to any bona fide employee or agent of such motor carrier, so far as concerns transportation to be furnished wholly by such carrier or jointly with other motor carriers holding like certificates or permits.

§ 46.2-1922. Application for broker's license.

The Department shall prescribe the form of application for a broker's license and such reasonable requirements and information as may in its judgment be necessary.

§ 46.2-1923. Fees for issuance or transfer of licenses.

Every applicant for a license or a transfer of a license shall, upon the filing of an application, deposit with the Department as a filing fee the sum of fifty dollars.

§ 46.2-1924. Hearing on such application and action thereon.

Upon the filing of an application for a broker's license, the Department may fix such requirements as it deems necessary to inquire into the application. If the Department finds the application proper and in the public interest, it shall issue a license, subject to such terms, limitations and restrictions as the Department may deem proper.

§ 46.2-1925. Authority over brokers; bond.

The Department shall have the same authority over persons operating under and holding a brokerage license as it has over motor carriers under this chapter, and shall require a broker to furnish bond or other security approved by the Department and sufficient for the protection of travelers or shippers by motor vehicle.

§ 46.2-1926. Broker's license not substitute for other certificates or permits required.

No person who holds a broker's license under this chapter shall engage in transportation subject to this chapter unless he holds a certificate or permit as provided in this chapter. In the execution of any contract, agreement, or arrangement to sell, provide, procure, furnish, or arrange for such transportation, it shall be unlawful for such person to employ any carrier by motor vehicle who is not the lawful holder of an effective certificate or permit issued as provided in this chapter.

§ 46.2-1927. Transfer or lease of certificate or license.

Any certificate or license issued under this chapter, other than under §§ 46.2-1916 through 46.2-1920, may be transferred or leased, subject to the approval of the Department, and under such reasonable rules and regulations as may be prescribed by the Department. An application for such approval shall be made jointly by the transferor and transferee, or lessor or lessee.

§ 46.2-1928. Surety bonds, insurance, letter of credit or securities required prior to issuance of

certificate or permit.

No certificate or permit shall be issued by the Department to any motor carrier unless such motor carrier has filed with, and the same has been approved by, the Department:

1. An insurance policy or bond;

2. A certificate of insurance in lieu of the insurance policy or bond, certifying that such policy or bond covers the liability of such motor carrier in accordance with the provisions of this chapter, is issued by an insurer authorized to transact business in the Commonwealth, or in the case of bonds, is an amount approved by the Department, and are bonds of the Commonwealth of Virginia, the United States of America, or of any municipality in the Commonwealth. Such state, federal or municipal bonds shall be deposited with the State Treasurer, and such surety shall not be reduced during the life of such certificate or permit, except in accordance with an order of the Department; or

3. An unconditional letter of credit issued by a bank doing business in Virginia for an amount approved by the Department and the term of which runs concurrently with the certificate or permit.

§ 46.2-1929. When taxicab operator a self-insurer.

If the operator of any taxicab or other motor vehicle performing a taxicab service is a self-insurer under an ordinance of the city where the home office of the operator is located, such operator shall not be required to obtain and keep on file with the Department insurance as required by law.

§ 46.2-1930. Bonds or insurance to be kept in force; amounts.

Each holder of a certificate, permit, or license issued by the Department shall keep in force at all times insurance, a bond or bonds, in an amount required by the Department; however, the amount of the insurance policy or bond required by the Department under this section of any motor vehicle used in the transportation of property and/or passengers shall in no case exceed those limits required by the United States Department of Transportation and the Interstate Commerce Commission.

§ 46.2-1931. Duties of carriers of passengers as to through routes, equipment, rates, regulations, etc.

Every common carrier or restricted common carrier of passengers by motor vehicle shall establish reasonable through routes with other such common carriers and shall provide safe and adequate service, equipment, and facilities for the transportation of passengers; shall establish, observe, and enforce just and reasonable individual and joint rates, fares and charges and just and reasonable regulations and practices relating thereto, and to the issuance, form, and substance of tickets, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the transportation of passengers; and in case of such joint rates, fares, and charges, shall establish just, reasonable and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of such participating carriers.

§ 46.2-1932. Effect of unfair claims settlement practices on self-insured taxicab owners.

The provisions of subdivisions 4, 6, 11 and 12 of subsection A of § 38.2-510 shall apply to each holder of a certificate or permit issued by and under the authority of the Department who, in lieu of filing an insurance policy, has deposited with the State Treasurer state, federal or municipal bonds or has filed an unconditional letter of credit issued by a bank. The failure of any such holder of a certificate or permit to comply with the provisions of § 38.2-510 shall be the cause for revocation or suspension of the certificate or permit.

§ 46.2-1933. Undue preference not permitted.

It shall be unlawful for any common carrier or restricted common carrier by motor vehicle to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, gateway, locality, or description of traffic in any respect whatsoever, or to subject any particular person, port, gateway, locality, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever; however, this section shall not be construed to apply to discriminations, prejudice or disadvantage to the traffic of any other carrier of whatever description.

§ 46.2-1934. Complaints; action of Department thereon or on own initiative.

Any person, state board, organization, or body politic may make complaint in writing to the Department that any rate, fare, charge, classification, rule, regulation, or practice of any common carrier or restricted common carrier by motor vehicle, in effect or proposed to be put into effect, is or will be in violation of §§ 46.2-1931 and 46.2-1933 or §§ 46.2-1935 through 46.2-1939. Whenever, after hearing, upon complaint or in an investigation on its own initiative, the Department shall be of the opinion that any individual or joint rate, fare, or charge, demanded, charged, or collected by any common or restricted common carrier by motor vehicle or by any common or restricted common carrier by motor vehicle in conjunction with any common carrier by railroad, or water, or any classification, rule, regulation, or practice whatsoever of such carrier affecting such rate, fare, or charge or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial, it shall determine and prescribe the lawful rate, fare, or charge or the maximum or minimum, or maximum and minimum rate, fare, or charge thereafter to be observed, or the lawful classification, rule, regulation, or practice thereafter to be made effective.

§ 46.2-1935. Tariffs showing rates, fares and charges, etc.

Every common carrier and restricted common carrier by motor vehicle shall file with the

Department, and print, and keep open to the public inspection, tariffs showing all the rates, fares and charges for transportation, and all services in connection therewith, of passengers between points on its own route and between points on its own route and points on the route of any other such carrier, or on the route of any common carrier by railroad, air, or water, when a through route and joint rate shall have been established. Such rates, fares, and charges shall be stated in terms of lawful money of the United States. The tariffs required by this section shall be published, filed, and posted in such form and manner, and shall contain such information, as the Department by regulations shall prescribe. The Department is authorized to reject any tariff filed with it which is not in consonance with this section and with such regulations. Any tariff so rejected by the Department shall be void, and its use shall be unlawful.

§ 46.2-1936. Unlawful to charge other than published tariff.

No common carrier or restricted common carrier by motor vehicle shall charge or demand or collect or receive a greater or less or different compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or broker or otherwise, any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities for transportation except such as are specified in its tariffs.

§ 46.2-1937. Changes in tariffs.

No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting such rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff of a common carrier or restricted common carrier by motor vehicle, except after reasonable notice of the proposed change. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Department may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements of this section with respect to posting and filing of tariffs either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

§ 46.2-1938. No transportation except when rates have been filed, etc.

No common carrier or restricted common carrier by motor vehicle, unless otherwise provided by this chapter, shall engage in the transportation of passengers unless the rates, fares, and charges upon which the same are transported by such carrier have been filed and published in accordance with the provisions of this chapter.

§ 46.2-1939. Free passes or reduced rates; differential rates.

No motor carrier subject to the provisions of this chapter shall, directly or indirectly, issue or give any free ticket, free pass or free transportation for passengers. Nothing in this section shall apply (i) to the free carriage of homeless and destitute persons and the necessary agents employed in such transportation or (ii) to mileage, excursion or commutation passenger tickets.

Nor shall anything in this section be construed to prohibit any motor carrier (i) from giving reduced rates or free passage to ministers of religion, or regular traveling secretaries of the Young Men's Christian Association or Young Women's Christian Association, whose duties require regular travel in supervising and directing Young Men's Christian or Young Women's Christian Association work, or to secretaries of duly organized religious work, or to indigent persons, or to inmates of the Confederate homes or state homes for disabled soldiers and sailors, or to disabled soldiers and sailors, and those returning home after discharge; nor (ii) from giving free carriage to its own officers, employees, and members of their families, representatives of the press and members of the Department of State Police or to any other person or persons to whom the giving of such free carriage is not otherwise prohibited by law.

Nor shall this section be construed to prevent the principal officers of any motor carrier from exchanging passes or tickets with other motor carriers or any rail, air, steamship, or electric railway companies for their officers, employees and members of their families.

The Department shall have authority to establish differential rates according to the time of day and for groupings of passenger classes.

§ 46.2-1940. Department may seek judgment for refunds due public and collect and distribute same.

If any motor carrier or broker, upon the final decision of an appeal from the action of the Department prescribing rates, charges, or classification of traffic, confirming or modifying the action of the Department, fails to refund in the manner and within the time prescribed in the notice of the Department all amounts which the appealing motor carrier or broker may have collected, pending the appeal, in excess of that authorized by such final decision, upon notice to such motor carrier or broker by the Department of such final decision, then the Department, after thirty days' notice to any such motor carrier or broker, may, unless the amount required by such final decision is paid to the Department, seek judgment in the name of the Commonwealth, for the use of the persons, firms and corporations entitled to the same, against any such motor carrier or broker for the aggregate amount of such collections and for costs, and may enforce the amount of such judgment and costs by process of execution, as provided by law. The Department shall, upon the collection of such judgment, forthwith

distribute the amount thereof among the parties entitled thereto, respectively, in such manner as it may by its rules or regulations prescribe, and shall, upon the payment or collection of any such judgment, mark the same satisfied upon its records, and have the same entered satisfied on the judgment lien docket of the court where the same may have been docketed; the satisfaction of any such judgment shall be a bar to any further action or recovery against any such motor carrier or broker to the extent of such recovery.

§ 46.2-1941. Motor bus operators, etc., to be conservators of the peace.

The operators of motor buses operated as common carriers of passengers, and station and depot agents, shall be conservators of the peace, and shall have the same power to make arrests that other conservators of the peace have, except that the agents shall have such power only at their respective places of business. Operators of motor buses and agents may cause any person so arrested by them to be detained, and delivered to the proper authorities for trial as soon as practicable.

§ 46.2-1942. Waiting rooms and other public facilities.

Motor carriers of passengers shall keep all waiting rooms, rest rooms and other public facilities in good and sanitary condition, and the Department may inspect all waiting rooms, rest rooms or other public facilities at any time, and after inspection may require such changes as the Department may deem proper.

§ 46.2-1943. Violation by passengers; misdemeanor; ejection.

All persons who fail, while on any motor vehicle of a motor carrier of passengers, to act in an orderly manner so as to permit the safe operation of such vehicle by the driver, or who fail to obey the directions of any such driver, operator or other person in charge to act in such orderly manner, shall be deemed guilty of a Class 4 misdemeanor. Furthermore, such persons may be ejected from any such vehicle by any driver, operator or person in charge of such vehicle, or by any police officer or other conservator of the peace; and in case such persons ejected have paid their fares upon such vehicle, they shall not be entitled to the return of any part of the same. For the refusal of any such passenger to abide by the direction of the person in charge of such vehicle as aforesaid, and his consequent ejection from such vehicle, neither the driver, operator, person in charge, owner, manager nor bus company operating such vehicle shall be liable for damages in any court.

§ 46.2-1944. Operators are special policemen to enforce § 46.2-1943; other powers.

Each driver, operator or person in charge of any motor vehicle of any motor carrier of passengers in the employment of any such motor carrier, while actively engaged in the operation of such vehicle, shall be a special policeman and have all of the powers of conservators of the peace in the enforcement of the provisions of § 46.2-1943, and in the discharge of his duty as special policeman, in the enforcement of order upon such vehicle; and such driver, operator or person in charge of any such vehicle shall likewise have the powers of conservators of the peace and of special policemen while in pursuit of persons for disorder upon such vehicle or for violating the provisions of § 46.2-1943, and until such persons as may be arrested by him have been placed in confinement or delivered over to the custody of some other conservator of the peace or police officer.

§ 46.2-1945. Reports, records, etc.

A. The Department is hereby authorized to require annual, periodical, or special reports from all motor carriers, except such as are exempted from the operation of the provisions of this chapter; to prescribe the manner and form in which such reports shall be made; and to require from such carriers specific answers to all questions upon which the Department may deem information to be necessary. Such reports shall be under oath whenever the Department so requires. The Department may also require any motor carrier to file with it a true copy of each or any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this chapter.

B. The Department may, in its discretion, prescribe (i) the forms of any and all accounts, records, and memoranda to be kept by common carriers and restricted common carriers by motor vehicle and (ii) the length of time such accounts, records, and memoranda shall be preserved, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money. The Department or its employees shall at all times have access to all lands, buildings, or equipment of motor carriers used in connection with their operations and also all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept, or required to be kept, by motor carriers. The Department and its employees shall have authority to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept by such carriers. These provisions shall apply to receivers of carriers and to operating trustees and, to the extent deemed necessary by the Department, to persons having control, direct or indirect, over or affiliated with any motor carrier.

C. As used in this section the term "motor carriers" includes brokers.

§ 46.2-1946. Certificate or permit holder not relieved of liability for negligence.

Nothing in this chapter shall relieve any holder of a certificate or permit by and under the authority of the Department from any liability resulting from his negligence, whether or not he has complied with

the requirements of this chapter.

§ 46.2-1947. Violation; penalties.

A. Any person knowingly and willfully violating any provision of this chapter, or any rule or regulation thereunder, or any term or condition of any certificate, permit, or license, for which a penalty is not otherwise herein provided, shall, upon conviction thereof, be fined not more than $2,500 for the first offense and not more than $5,000 for any subsequent offense. Each day of such violation shall constitute a separate offense.

B. Any person, whether carrier, shipper, consignee, or broker, or any officer, employee, agent, or representative thereof, who shall knowingly offer, grant, or give, or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this chapter, or who, by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, shall knowingly and willfully assist, suffer or permit any person, natural or artificial, to obtain transportation of passengers subject to this chapter for less than the applicable rate, fare, or charge, or who shall knowingly and willfully by any such means or otherwise fraudulently seek to evade or defeat regulation as in this chapter provided for motor carriers or brokers, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than $500 for the first offense and not more than $2,000 for any subsequent offense.

C. Any motor carrier, or broker, or any officer, agent, employee, or representative thereof who willfully fails or refuses to make a report to the Department as required by this chapter or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Department, or knowingly and willfully falsifies, destroys, mutilates, or alters any such report, account, record or memorandum, or knowingly and willfully files any false report, account, record or memorandum, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not less than $100 and not more than $5,000.

§ 46.2-1948. No property rights in highways conferred by chapter.

Nothing in this chapter shall confer any proprietary or property rights in the use of the public highways.

§ 46.2-1949. Bus terminals; local license taxes on operation.

Counties, cities and towns may impose license taxes for the privilege of operating or conducting terminals for use by common carriers of passengers by motor vehicle. Operation of terminals by such carriers in connection with and incidental to their business as such common carriers, and not for profit, or for such carriers where the local agent receives as his compensation a commission on tickets sold shall not be subject to the imposition of any such taxes. Lots used by such carriers for parking, storage and servicing of motor vehicles used in the business of such carriers and for taking on and discharging passengers shall not be deemed terminals. Nothing herein contained shall be construed to exempt the payment of license taxes on any other business that may be conducted on, at or in any such terminal or lot.

§ 46.2-1950. Licenses, taxes, etc., not affected.

Nothing in this chapter shall be construed to relieve any person from the payment of any licenses, fees, taxes or levies now or hereafter imposed by law.

CHAPTER 20.
REGULATION OF HOUSEHOLD GOODS CARRIERS.

§ 46.2-2000. Definitions.

Whenever used in this chapter, unless expressly stated otherwise:

"Certificate" means a certificate of public convenience and necessity issued by the Department to "household goods carriers" under this chapter.

"Department" means the Department of Motor Vehicles.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicle travel in this Commonwealth, excluding the streets and alleys in towns and cities.

"Household goods" means personal effects and property used or to be used in a dwelling when a part of the equipment or supplies of such dwelling; uncrated new furniture, used furniture, fixtures, equipment, and similar property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; objects of art, displays and exhibits; or articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving such other household goods.

"Household goods carrier" means any person who undertakes, whether directly or by a lease or other arrangement, to transport "household goods," as herein defined, by motor vehicle for compensation, on any highway in this Commonwealth, between two or more points in this Commonwealth, whether over regular or irregular routes.

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of property, but does not include any vehicle, locomotive or car operated exclusively on a rail or rails.

"Person" means any individual, firm, copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"Services" and "transportation" includes all vehicles operated by, for, or in the interest of any "household goods carrier," irrespective of ownership or contract, express or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of "household goods" or in the performance of any service in connection therewith.

§ 46.2-2001. Exemptions from chapter.

The following are exempt from this chapter:

1. Motor vehicles owned and operated by the United States, District of Columbia, any state, municipality, or any other political subdivision of the Commonwealth.

2. Transportation of household goods between any point in this Commonwealth and any point outside this Commonwealth, or between any points wholly within the limits of any city or town in this Commonwealth, or for any lesser distance than thirty road miles.

3. Infrequent (not more than twelve trips a year) transportation of "household goods" for a greater distance than thirty road miles, when the point of origin of goods is not within the limits of a city and is not within thirty road miles from the limits of a city.

§ 46.2-2002. Compliance with chapter required.

No household goods carrier shall operate any motor vehicle for the transportation of property for compensation on any highway in this Commonwealth except in accordance with the provisions of this chapter.

§ 46.2-2003. Control by Department.

Every such carrier is hereby declared to be subject to control, supervision and regulation by the Department.

§ 46.2-2004. No property rights in use of highways.

Nothing in this chapter shall confer any proprietary or property rights in the use of the public highways.

§ 46.2-2005. Provisions of chapter controlling.

As to household goods carriers, the provisions of this chapter shall be controlling, and no laws in conflict herewith, or inconsistent herewith, shall have any application to such carriers.

§ 46.2-2006. Other applicable laws.

The provisions of §§ 46.2-1928, 46.2-1930, 46.2-1932, 46.2-1940, 46.2-1945, 46.2-1946, 46.2-1947 and 46.2-1950, with reference to the filing of insurance with the Department by motor carriers, registration for vehicles used by motor carriers, reports, forms and accounts of motor carriers, enforcement of laws applicable to motor carriers, prohibition of rebates and discriminations, shall be applicable to household goods carriers and to the regulation thereof.

§ 46.2-2007. Necessity of certificate.

No person shall engage in motor vehicle transportation of household goods for compensation on any highway within the Commonwealth unless he has obtained from the Department a certificate of public convenience and necessity as a household goods carrier.

§ 46.2-2008. Application, notice, etc.

The Department shall prescribe the form of the application for a certificate of convenience and necessity, and such reasonable requirements as to notice, publication, proof of service and information as may in its judgment be necessary.

§ 46.2-2009. Hearing and determination.

Upon the filing of an application for a certificate of public convenience and necessity as a household goods carrier, the Department shall, within a reasonable time, fix a time and place of hearing on such application. If the Department finds the proposed operation justified by public convenience and necessity, it shall issue a certificate to the applicant, subject to such terms, limitations and restrictions as the Department may deem proper. If the Department finds the proposed operation not justified, the application shall be denied.

§ 46.2-2010. Suspension, revocation, etc., of certificate; imposition of penalty.

The Department may at any time, after hearing had upon notice to the holder of any such certificate and an opportunity to such holder to be heard, at which it shall be proved that such holder has made any misrepresentation of a material fact in obtaining such certificate, or has violated or refused to observe any of the laws of this Commonwealth touching such certificate, or any of the terms, limitations and restrictions of his certificate, or any of the Department's rules or regulations, impose a penalty not exceeding $2,500; or the Department may suspend, revoke, alter or amend any such certificate, whenever the Department finds after a hearing upon notice as above, that such certificate holder knowingly misrepresented any material fact in obtaining his certificate, or willfully violated or refused to observe any of the laws of this Commonwealth touching his certificate, or willfully violated or failed to observe any of the rules or regulations of the Department, or any term, condition or limitation of such certificate. Proceedings looking to the imposition of any penalty provided for herein may be commenced upon the complaint of any person or upon the Department's own initiative.

§ 46.2-2011. Transfer or lease of certificate.

Any such certificate may be transferred or leased if the Department after a public hearing finds the proposed transfer or lease justified by public convenience and necessity, and under such terms, limitations and restrictions as may be prescribed by the Department. The application shall be made jointly by the transferor and transferee, seller and purchaser, or assignor and assignee, or lessor and lessee.

§ 46.2-2012. Fees for issuance or transfer of certificates.

Every household goods carrier, upon filing with the Department an application for a certificate, or application for transfer shall deposit with the Department as a filing fee a sum to be set by the Department. An annual fee shall be imposed for all certificates required by this chapter. The amount of the annual fee as well as the date of payment shall be set by the Department.

§ 46.2-2013. Power and duty of Department.

The Department shall regulate and control all household goods carriers not herein exempted, doing business in the Commonwealth, in all matters relating to the performance of their duties as such carriers and their rates and charges therefor, which rates and charges shall be filed with and subject to approval by the Department by individual household goods carriers or by groups of such carriers, and correct abuses by such carriers. To that end the Department shall prescribe reasonable rules, regulations, bills of lading, forms and reports for such carriers to administer and enforce the provisions of this chapter. The Department shall have the right at all times to require from such carriers special reports and statements, under oath, concerning their business. It shall make and enforce such requirements, rules, and regulations as may be necessary to prevent unjust or unreasonable discriminations by any such carrier in favor of, or against, any person, locality, community or connecting carrier in the matter of service, schedule, efficiency of transportation or otherwise, in connection with the duties of such carriers.

§ 46.2-2014. Notice to carriers; opportunity for hearing, etc.

Before the Department prescribes or fixes any rate, charge, or classification of traffic, and before it makes any rule or regulation directed against any household goods carrier, the carrier affected by such rate, charge, classification, rule, regulation or requirement shall first be given, by the Department, reasonable notice of the time and place when and where the contemplated action will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and be heard thereon to the end that justice may be done, and shall have process to enforce the attendance of witnesses.

CHAPTER 21.

REGULATION OF SIGHT-SEEING CARRIERS.

§ 46.2-2100. Definitions.

When used in this chapter, unless expressly stated otherwise:

"Certificate" means a certificate of public convenience and necessity issued by the Department to a sight-seeing carrier.

"Department" means the Department of Motor Vehicles.

"Person" means any person, firm or corporation.

"Sight-seeing carrier" means a restricted common carrier authorized to transport sightseers under the provisions of this chapter. Except as otherwise provided in this chapter, all provisions of law applicable to common carriers of passengers shall apply to sight-seeing carriers. The provisions of this chapter do not apply to special or chartered parties as defined in § 46.2-2200.

§ 46.2-2101. Certificates.

A certificate issued under this chapter shall authorize the holder named in the certificate to transport sightseers from the point or points of origin named in the certificate over regular routes to the points of interest named in the certificate and back to the point or points of origin. Each passenger shall be issued a ticket on which shall be printed the points of interest and the fare charged for the round trip. Passengers shall be transported only on round trips without stopover privileges, and no part of a fare shall be refunded because of a passenger's refusal to complete the round trip.

§ 46.2-2102. Filing fee.

Every applicant for a certificate or for the transfer of a certificate, upon the filing of an application, shall deposit with the Department as a filing fee the sum of fifty dollars.

§ 46.2-2103. When certificate granted.

The public convenience and necessity to be served by this chapter is to encourage sightseers to visit points of interest in Virginia by providing economical, comfortable and convenient transportation, and, in the issuance of certificates, the Department shall consider all facts bearing on that purpose, including existing means of transportation, the character of the applicant, and the kind of equipment he proposes to use. The Department shall issue no more certificates than the public convenience and necessity requires, and shall place such restrictions upon such certificates as may be reasonably necessary to protect any existing common carrier operating over the same route or routes under a certificate issued by the Department, but it shall not deny a certificate solely on the ground that the applicant will operate over the route or part of the route of an existing common carrier; however, in granting certificates, preference shall be given to applicants who were intrastate common carriers in Virginia on June 26, 1956.

§ 46.2-2104. When certificate revoked.

In addition to the grounds on which a certificate issued to a common carrier other than a sight-seeing carrier may be revoked, a certificate may be revoked, after notice and hearing, for failure to furnish economical, comfortable and convenient transportation. A certificate shall be revoked whenever the holder requests in writing that it be revoked.

§ 46.2-2105. Transfers and leases.

No certificate shall be leased, but a certificate issued to an individual shall be construed to authorize the individual to operate with one or more partners, and a certificate issued to a partnership shall be construed to authorize the firm to operate with more or fewer partners so long as at least one of the partners named in the certificate continues to be active in the business, provided that the names and addresses of all partners engaged in the business are filed with the Department whenever there is a change in the partnership.

Any such certificate may be transferred if the Department finds, after such notice and hearing as required by law, that the proposed transfer is justified by the public convenience and necessity, subject to such terms, limitations and restrictions as may be prescribed by the Department. Any such application shall be made jointly by the transferor and transferee.

§ 46.2-2106. Corporations.

No certificate shall be issued or transferred to a foreign corporation nor to any domestic corporation that is not organized as a common carrier of passengers.

§ 46.2-2107. Fares.

The fares charged by sight-seeing carriers shall be fixed by the Department at such rates as will promote the purposes mentioned in § 46.2-2103.

§ 46.2-2108. Schedules.

The schedules operated by sight-seeing carriers shall be filed with and subject to the approval or disapproval of the Department, which may consider the seasonal nature of the business and may authorize the discontinuance of schedules during times when the demand for service does not justify service.

§ 46.2-2109. Cities and towns.

The provisions of this chapter shall not apply to operations conducted wholly within the corporate limits of a city or a town.

CHAPTER 22.
REGULATION OF SPECIAL OR CHARTER PARTY CARRIERS.

§ 46.2-2200. Definitions.

When used in this chapter, unless expressly stated otherwise:

"Certificate" means a certificate of public convenience and necessity issued by the Department to a special or charter party carrier under this chapter.

"Department" means the Department of Motor Vehicles.

"Person" means any person, firm or corporation.

"Special or charter party" means a group movement of passengers transported under a single contract made with one person for an agreed charge for such movement regardless of the number of passengers transported, and for which transportation, no individual or separate fares are solicited, charged, collected or received by the carrier.

"Special or charter party carrier" means a restricted common carrier authorized to transport passengers in special or charter parties under the provisions of this chapter.

§ 46.2-2201. Exemptions from chapter.

This chapter shall not be construed to apply to:

1. Motor vehicles employed solely in transporting school children and teachers except when such vehicles are used for special or charter party service;

2. Transportation of a special or charter party between any point in this Commonwealth and any point outside this Commonwealth, or between two points within the limits of a city or town in this Commonwealth;

3. Motor vehicles owned and operated by the United States, District of Columbia, any state, or by any municipality or other political subdivision of the Commonwealth, except when such motor vehicles, other than public transit motor vehicles normally used in regular route service, owned and operated by any municipality or other political subdivision of this Commonwealth are operated from point of origin outside the boundaries of such municipality or other political subdivision; and motor vehicles while being operated under an exclusive contract with the United States; or

4. Motor vehicles owned and operated by funeral service establishments when such vehicles are employed in the usual course of business of such establishments.

§ 46.2-2202. Certificates required unless exempted.

Except as otherwise provided in § 46.2-2203, no person shall engage in the business of a special or charter party carrier of passengers by motor vehicle on any highway within the Commonwealth unless such person has secured from the Department a certificate authorizing such business.

§ 46.2-2203. Authority conferred by "A," "B," and "C" certificates; applications; hearings.

A. An "A" certificate shall authorize the holder named therein to transport passengers in special or charter parties from any point or points within the Commonwealth to other points in the Commonwealth. Upon the filing of an application for an "A" certificate, the Department shall fix a time and place of hearing upon such application, and if the Department finds the proposed operation justified, the Department shall issue an "A" certificate to the applicant, subject to such terms, limitations and restrictions as the Department may deem proper. If the Department finds that the proposed operation is not justified, the application shall be denied.

B. A "B" certificate shall authorize the holder named therein to transport passengers in special or charter parties from any point or points within the territory of origin specified in the certificate to other points in the Commonwealth. Upon the filing of an application for a "B" certificate, the Department shall fix a time and place of hearing upon such application, and if the Department finds the proposed operation justified, it shall issue a "B" certificate to the applicant, subject to such terms, limitations and restrictions as the Department may deem proper. If the Department finds that the proposed operation is not justified, the application shall be denied.

C. A "C" certificate shall authorize the holder named therein to transport passengers in special or charter parties from a specified town or city having a population of 10,000 inhabitants or less as the point of origin to other points in the Commonwealth which are not more than thirty miles from the point of origin; however, one trip for a distance exceeding thirty miles may be made by the holder of a "C" certificate during any calendar month. Upon the filing of an application for a "C" certificate, the Department shall require the applicant to give at least ten days' notice to the chairman of the board of supervisors and the attorney for the Commonwealth of the counties adjoining such town or city and also by publication in a newspaper of general circulation in such town or city, or as otherwise directed by the Department, that such an application has been made and that at a certain time and date the Department will grant such application if the Department is then of the opinion that it meets the requirements of § 46.2-2204. If a proper objection is filed with the Department before said date, the Department shall fix a time and place for a hearing upon such application and the objection thereto, and if the Department finds the proposed operation justified, it shall issue a "C" certificate to the applicant. The Department may issue a "C" certificate subject to such terms, limitations and restrictions as the Department may deem proper. If the Department finds the proposed operation is not justified, the application shall be denied.

§ 46.2-2204. When certificates granted.

The public convenience and necessity to be served by special or charter party carriers is to provide economical, comfortable and convenient transportation for special or charter parties and, in the issuance of all types of certificates authorized by this chapter, the Department shall consider all facts bearing on that purpose, including existing means of transportation, the character of the applicant, and the kind and location of the equipment he proposes to use. The Department shall issue no more certificates than the public convenience and necessity requires, and shall place such restrictions upon such certificates as may be reasonably necessary to protect any existing motor carrier, whether such carrier is operating under certificates issued by the Department under this chapter or under Chapters 19 (§ 46.2-1900 et seq.) or Chapter 22 (§ 46.2-2200 et seq.) or otherwise, but the Department shall not deny a certificate solely on the ground that the applicant may render special or charter party service originating at the same point or points as such other motor carriers. The Department shall protect the private intercity charter industry to the extent reasonably practicable from carriers receiving grants from federal and state agencies where private operators are willing and able to provide such service.

§ 46.2-2205. When certificates revoked.

In addition to the grounds upon which a certificate issued to a common carrier other than a special or charter party carrier may be revoked, a certificate issued under this chapter may also be revoked, after notice and hearing, for failure to furnish economical, comfortable and convenient transportation or for failure to observe the requirements of this chapter or the rules and regulations hereunder as are prescribed by the Department. A certificate shall be revoked whenever the holder requests in writing that it be revoked.

§ 46.2-2206. Leases prohibited; transfer.

No certificate may be leased. Any certificate may be transferred if the Department finds, after such notice and hearing as it deems reasonable, that the proposed transfer is justified by the public convenience and necessity, subject to such terms, limitations, and restrictions as may be prescribed by the Department. Any such application shall be made jointly by the transferor and transferee.

§ 46.2-2207. Foreign corporations and nonresidents.

No certificate shall be issued or transferred to a foreign corporation or to a person who has not been a resident of Virginia for at least sixty days preceding the filing of an application therefor.

§ 46.2-2208. Rates and tariffs.

No special or charter party carrier shall charge more or less than the fixed rate and/or charge for the type of vehicle involved set out in said carrier's published tariff which shall be on file with the Department.

§ 46.2-2209. Brokers.

No holder of a certificate under this chapter shall engage in special or charter party service through any broker, except in compliance with the provisions of this chapter and the Department's rules and regulations hereunder.

§ 46.2-2210. Department may prescribe rules and require reports.

The Department shall have the power to prescribe from time to time reasonable rules and regulations for the control and operation of charter party carriers, including their rates and charges, and may require reports from such carriers in respect thereto.

§ 46.2-2211. Fees

Every person, upon filing with the Department an application for a certificate or for the transfer of a certificate, shall deposit with the Department as a filing fee, the sum of fifty dollars.

§ 46.2-2212. Other laws applicable.

Except as otherwise provided in this chapter, all provisions of law applicable to common carriers of passengers shall apply to special or charter party carriers.

CHAPTER 23.
REGULATION OF CARRIERS BY MOTOR LAUNCH.

§ 46.2-2300. Definitions.

When used in this chapter, unless expressly stated otherwise:

"Carrier by motor launch" means a common carrier or contract carrier authorized to transport passengers under the provisions of this chapter, which carrier uses one or more motor launches operating on the waters within the Commonwealth.

"Certificate" means a certificate of public convenience and necessity issued by the Department to a carrier by motor launch.

"Department" means the Department of Motor Vehicles.

"Motor launch" means a motor vessel which meets the requirements of the U.S. Coast Guard for the carriage of passengers for hire, with a capacity of six or more passengers, but not in excess of fifty passengers. Motor launch, as defined herein, shall not include sightseeing vessels, special or charter party vessels within the provisions of Chapter 25 (§ 46.2-2500 et seq.) of Title 46.2. A carrier by motor launch shall not be regarded as a steamship company.

"Person" means any person, partnership or corporation.

§ 46.2-2301. Contents of certificate.

A certificate issued under this chapter shall authorize the holder named in the certificate to transport passengers and property from the point or points of origin named in the certificate over irregular routes to ships anchored or located on the waters within the Commonwealth and to return.

§ 46.2-2302. Purpose of chapter; when certificate granted.

The public convenience and necessity to be served by this chapter is to encourage economical, safe and convenient transportation by motor launch on waters within the Commonwealth, and in the issuance of certificates the Department shall consider all facts bearing on that purpose including existing means of transportation and the character of the applicant and the kind of equipment he proposes to use. The Department shall issue no more certificates than the public convenience and necessity requires, but the Department shall not deny a certificate solely on the ground that the applicant may render motor launch service originating at the same point or points as other carriers by motor launch.

§ 46.2-2303. Revocation of certificate.

A certificate may be revoked, after notice and hearing by the Department, for failure of the carrier to comply with the requirements of this chapter or failure of the carrier to furnish economical, safe and convenient transportation. A certificate shall be revoked whenever the holder requests in writing that it be revoked.

§ 46.2-2304. Leases prohibited; transfer.

No certificate may be leased. Any certificate may be transferred if the Department finds, after such notice and hearing as it deems reasonable, that the proposed transfer is justified by the public convenience and necessity, subject to such terms, limitations and restrictions as may be prescribed by the Department. Any such application shall be made jointly by the transferor and transferee.

§ 46.2-2305. Fares.

The fares charged by carriers by motor launch shall be fixed by the Department at such rates as will promote the purposes as set forth in § 46.2-2302.

§ 46.2-2306. Schedules.

A carrier by motor launch shall not be required to file a schedule or schedules with the Department, and is authorized to operate on a scheduled or unscheduled basis as required to meet the demands for service.

§ 46.2-2307. Certificate required as condition to operation.

No person shall engage in business as a carrier by motor launch as defined in § 46.2-2300, unless such person has first obtained a certificate of public convenience and necessity issued by the Department pursuant to the provisions of this chapter.

§ 46.2-2308. Filing fee; issuance of certificate.

Every applicant for a certificate, upon the filing of an application, shall deposit with the Department

a filing fee of $200.

The Department shall issue a certificate if it finds, after such notice and hearing as it deems reasonable, that the proposed operation is justified by the public convenience and necessity, subject to such terms, limitations and restrictions as may be prescribed by the Department.

§ 46.2-2309. Minimum insurance to be kept in force.

Each holder of a certificate issued by the Department shall keep in force at all times marine protection and indemnity insurance in an amount not less than $500,000 for bodily injury and property damage. The Department shall have the authority to require higher minimum insurance limits, not in excess of one million dollars, related to the passenger carrying capacity of vessels covered by this section.

CHAPTER 24.
REGULATION OF LIMOUSINES AND EXECUTIVE SEDANS.

§ 46.2-2400. Definitions.

When used in this chapter, unless the context clearly indicates otherwise:

"Certificate" means a certificate issued by the Department to a limousine carrier or an executive sedan carrier under this chapter.

"Department" means the Department of Motor Vehicles.

"Executive sedan" means a chauffeur-driven, unmarked, unmetered sedan automobile having a seating capacity of not more than five passengers transporting a person or his party under a single-contract agreement for a minimum time period of one hour. A person and his party shall be limited to the contracting person, group, family, or employees of a company or corporation. "Executive sedan" shall not include limousines, vehicles used by funeral directors, taxicabs, trucks, vans, minivans, buses, or minibuses.

"Executive sedan carrier" means any person who undertakes, whether directly or by lease, to transport passengers in an executive sedan for compensation over the highways of the Commonwealth.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicle travel in the Commonwealth, including the streets and alleys in towns and cities.

"Limousine" means a chauffeur-driven, luxurious automobile with a seating capacity of not more than ten passengers transporting a person or persons under a single contract for a minimum time period of one hour. The automobile shall be equipped with amenities not normally provided in passenger cars. These amenities should be in the nature of, but not limited to or inclusive of, a television, musical sound system, ice storage area, telephone, additional interior lighting, and driver-passenger communication, such as intercom or power-operated divider partitions. "Limousine" shall not include taxicabs, vehicles used by funeral directors, executive sedans, trucks, vans, minivans, buses, or minibuses.

"Limousine carrier" means any person who undertakes, whether directly or by lease, to transport passengers in limousines for compensation over the highways of the Commonwealth.

"Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

§ 46.2-2401. Exemptions from chapter.

This chapter shall not be construed to apply to any of the following:

1. Motor vehicles owned and operated by the United States, District of Columbia, any state or municipality or any other political subdivision of the Commonwealth.

2. Transportation between any point in the Commonwealth and any point outside the Commonwealth.

3. Motor vehicles while used exclusively in transportation within the corporate limits of incorporated cities or towns, provided the incorporated city or town by local ordinance regulates such motor vehicles pursuant to existing regulations.

4. Motor vehicles used exclusively by a funeral service establishment for services related thereto.

§ 46.2-2402. Operation except in accordance with chapter prohibited.

No limousine carrier or executive sedan carrier shall operate any limousine or executive sedan for the transportation of passengers for compensation on any highway in the Commonwealth except in accordance with the provisions of this chapter. There shall be no subleasing of individual contracts or commingling of unrelated passengers by use of a contract between a limousine carrier or executive sedan carrier and a licensed broker for the transportation of passengers by motor vehicles.

§ 46.2-2403. Control, supervision and regulation by Department.

Except as provided in subdivision 3 of § 46.2-2401, every limousine carrier or executive sedan carrier shall be subject to the exclusive control, supervision and regulation by the Department.

§ 46.2-2404. No proprietary or property rights conferred.

Nothing in this chapter shall confer any proprietary or property rights in the use of the public highways.

§ 46.2-2405. Provisions of chapter controlling.

As to limousine carriers or executive sedan carriers, the provisions of this chapter shall be controlling. No laws in conflict or inconsistent herewith shall have any application to such carriers. Operation by a limousine carrier or executive sedan carrier, whether over regular or irregular routes,

shall not be deemed an operation over the route of a holder of a certificate authorizing operation as a common carrier of passengers for the general public for compensation, issued pursuant to Chapter 19 (§ 46.2-1900 et seq.) of this title, so long as the operation is conducted within the restrictions and conditions contained in this chapter. It shall be the policy of the Commonwealth to preserve generally the procedures set forth in Chapter 19 for the transportation of passengers in all cases in which such restrictions and conditions are not strictly met.

§ 46.2-2406. Application of other provisions of law.

All provisions of law applicable to common carriers of passengers, as provided in Chapter 19 (§ 46.2-1900 et seq.), to the extent not inconsistent with this chapter, shall be applicable to limousine carriers or executive sedan carriers; however, the Department may grant an exemption from or promulgate different or additional regulations pursuant to the laws herein as the Department may, in its discretion, deem appropriate or necessary to accomplish the purposes of this chapter.

§ 46.2-2407. Certificate for limousine carrier required.

No person, except as exempted by this chapter, shall operate as a limousine carrier for compensation on any highway within the Commonwealth, until the person has obtained from the Department a certificate as a limousine carrier.

§ 46.2-2408. Certificate for executive sedan carrier required.

No person, except as exempted by this chapter, shall operate as an executive sedan carrier for compensation on any highway within the Commonwealth, until the person has obtained from the Department a certificate as an executive sedan carrier.

§ 46.2-2409. Statement of approval of size and type of vehicles required.

No limousine carrier or executive sedan carrier shall conduct operations on any highway of the Commonwealth until the carrier has obtained from the Department approval of the size and type of vehicles to be operated under the certificate.

§ 46.2-2410. Form of application for certificate; notice, etc.

The Department shall prescribe the form of the application for the certificate, and prescribe such reasonable requirements as to notice, publication, proof of service and information as may, in its judgment, be necessary.

§ 46.2-2411. Hearing upon application; issuance or denial of certificate.

Upon the filing of an application for a certificate, the Department may, within a reasonable time, schedule a hearing on the application. If the Department finds the applicant is fit, willing, and able to supply the service, it shall issue a certificate to the applicant, subject to such terms, limitations and restrictions as the Department may deem proper.

§ 46.2-2412. Consideration for determination of issuance of certificate.

When determining whether a certificate should be granted, the Department shall consider, among other things, the experience, fitness and ability of the applicant to render the proposed service. The Department shall not deny a certificate solely on the ground that an applicant will render limousine service or executive sedan service in any area currently served by one or more existing limousine carriers or executive sedan carriers.

§ 46.2-2413. Imposition of penalties; suspension, revocation, etc., of certificate.

A. The Department may, after notice and hearing, impose a penalty not to exceed $2,500 and suspend, revoke, alter or amend any such certificate, if it finds that such certificate holder (i) knowingly misrepresented any material fact in obtaining the certificate, (ii) has violated any law affecting such certificate, or (iii) has violated any proper order or regulation of the Department or any term, condition or limitation of such certificate.

B. Proceedings for the imposition of any penalty provided for in this section may be commenced upon the complaint of any person or upon the Department's own initiative.

§ 46.2-2414. Transfer or lease of certificate.

A limousine certificate or executive sedan certificate may be transferred or leased if the Department finds the proposed transfer or lease is in the public interest, subject to such terms, limitations and restrictions as may be prescribed by the Department. The application shall be made by the parties to the transfer or lease.

§ 46.2-2415. Transfer of baggage.

A certificate authorizing the transportation of passengers as a limousine carrier or executive sedan carrier shall also be deemed to include authority to transport in the same vehicle with passengers the baggage of passengers.

§ 46.2-2416. Fees.

Pursuant to this chapter, the Department shall collect the following fees:

1. For filing an application for a certificate, a filing fee of fifty dollars.

2. For the transfer of a certificate, a fee of fifty dollars.

3. For the issuance of a duplicate certificate, a fee of three dollars.

4. For the filing of a lease, a fee of five dollars.

§ 46.2-2417. Chapter not to invalidate certificates previously issued.

Nothing in this chapter shall adversely affect the rights of any person holding a certificate issued by

the Department as provided for in Chapter 19 (§ 46.2-1900 et seq.) or Chapter 20 (§ 46.2-2000 et seq.) of this title prior to July 1, 1989, and in force on such date. Every certificate issued by the Department prior to such date shall be and continue in full force and effect until suspended, altered, canceled or revoked in the manner provided for herein.

§ 46.2-2418. Powers of Department; regulations.

The Department shall have the following powers and duties:

1. To supervise, regulate and control all limousine carriers and executive sedan carriers, except as exempted, who are doing business in the Commonwealth, in all matters relating to the performance of their public duties;

2. To correct any abuses by such carriers;

3. To promulgate regulations, forms and reports for such carriers in the administration and operation of this chapter;

4. To require from such carriers special reports and statements, under oath, concerning their business;

5. To make and enforce requirements and regulations as may be necessary to prevent unjust or unreasonable discriminations by any carrier in favor of, or against, any person, locality or community in connection with the duties of such carriers; and

6. To administer and enforce all provisions of this chapter.

§ 46.2-2419. Tariffs and schedules of service not required.

A limousine carrier or executive sedan carrier operating under a certificate issued by the Department shall not be required to file with the Department a tariff of rates and charges or time schedules showing arrivals and departures of limousines or executive sedans at any locations served.

CHAPTER 25.

REGULATION OF SIGHT-SEEING CARRIERS BY BOAT.

§ 46.2-2500. Definitions.

When used in this chapter, unless expressly stated otherwise:

"Certificate" means a certificate of public convenience and necessity issued by the Department to a sight-seeing carrier by boat.

"Department" means the Department of Motor Vehicles.

"Person" means any person, firm or corporation.

"Sight-seeing carrier by boat" means a restricted common carrier authorized to transport sightseers under the provisions of this chapter, which restricted common carrier uses a boat or boats operating on waters within the Commonwealth. The provisions of this chapter shall apply to special or charter parties by boat as hereinafter defined. Sight-seeing carriers by boat and special or charter parties by boat as defined in this chapter shall not be regarded as steamship companies.

"Special or charter party by boat" for purposes of this chapter shall mean a group movement of persons transported under a single contract made with one person for an agreed charge for such movement regardless of the number of persons transported and in connection with which the fare or tariff is set or determined with regard to the number of such persons to be transported and not on an individual basis. Persons engaged in operating boats for fishing or having an approved passenger capacity of twenty-five or less persons shall not be regarded as special or charter parties under this chapter. Such persons may otherwise be subject to the provisions of this chapter if within the definition of sight-seeing carrier by boat.

§ 46.2-2501. Contents of certificate.

A certificate issued under this chapter shall authorize the holder named in the certificate to transport sightseers and special or charter parties from the point of origin named in the certificate over regular routes to the point or points of interest named in the certificate and back to the point of origin. Only one point of origin shall be named in a certificate.

§ 46.2-2502. Purpose of chapter; when certificate granted.

The public convenience and necessity to be served by this chapter is to encourage sightseers to visit and view points of interest in Virginia by providing economical, comfortable and convenient transportation, and in the issuance of certificates the Department shall consider all facts bearing on that purpose, including existing means of transportation and the character of the applicant and the kind of equipment he proposes to use. The Department shall issue no more certificates than the public convenience and necessity require, and shall place such restrictions upon such certificates as may be reasonably necessary to protect any existing sight-seeing carrier by boat or special or charter parties by boat operating over the same or substantially the same route or routes under a certificate issued by the Department, but shall not deny a certificate solely on the ground that the applicant will operate over the same route or substantially the same route or part of the route of an existing sight-seeing carrier by boat or special or charter parties by boat.

§ 46.2-2503. Revocation of certificate.

In addition to the grounds on which a certificate issued to a common carrier other than a sight-seeing carrier by boat and special and charter parties by boat may be revoked, a certificate may be revoked, after notice and hearing, for failure to furnish economical, comfortable and convenient

transportation. A certificate shall be revoked whenever the holder requests in writing that it be revoked.

§ 46.2-2504. Transfer or lease of certificate; operation by individual or partnership.

No certificates shall be transferred or leased, but a certificate issued to an individual shall be construed to authorize the individual to operate with one or more partners and a certificate issued to a partnership shall be construed to authorize the firm to operate with more or fewer partners so long as at least one of the partners named in the certificate continues to be active in the business. The names and addresses of all partners engaged in the business shall be filed with the Department whenever there is a change in the partnership.

§ 46.2-2505. Fares.

The fares charged by sight-seeing carriers by boat but not special or charter parties by boat shall be fixed by the Department at such rates as will promote the purposes mentioned in § 46.2-2500.

§ 46.2-2506. Schedules.

The schedules operated by sight-seeing carriers by boat shall be filed with and subject to the approval or disapproval of the Department, which may consider the seasonal nature of the business and may authorize the discontinuance of schedules during times when the demand for service does not justify service. The area of operation of special or charter parties by boat shall also be subject to the approval or disapproval of the Department.

§ 46.2-2507. Certificate required as condition to operation; penalty.

No person shall engage in business as a sight-seeing carrier by boat or as a special or charter party by boat as defined in this chapter unless such person first has obtained a certificate from the Department pursuant to the provisions of this chapter. The Department may issue a certificate upon verification that the person has proper insurance coverage, in an amount determined by the Department, and has a valid permit issued by the United States Coast Guard. Operation as a sight-seeing carrier by boat or as a special or charter party by boat as defined in this chapter, without having been issued a certificate shall be a Class 1 misdemeanor.

§ 46.2-2508. Filing fee.

Every applicant for a certificate under § 46.2-2507 shall upon filing of an application, deposit with the Department as a filing fee the sum of fifty dollars for the purpose of defraying the expense of administering the provisions of law with respect to the issuance of such certificate.

§ 46.2-2509. Insurance to be kept in force.

Each holder of a certificate issued by the Department or person operating by virtue of § 46.2-2507 shall also keep in force at all times marine protection and indemnity insurance in an amount not less than $100,000 for bodily injury and property damage. The Department shall have the authority to require higher minimum insurance limits, not in excess of $500,000, related to the passenger carrying capacity of vessels covered by this section.

§ 46.2-2510. Exceptions to application of chapter.

The provisions of this chapter shall not be applicable to any municipal corporation acting as a sight-seeing carrier by boat or special or charter party by boat, if said municipal corporation has a population greater than 89,000 but less than 91,000.

§ 52-8.4. Powers and duties to promulgate regulations; inspection of certain records.

A. The Superintendent of State Police, with the cooperation of such other agencies of the Commonwealth as may be necessary, shall promulgate regulations pertaining to commercial motor vehicle safety pursuant to the United States Motor Carrier Act of 1984. These regulations shall set forth criteria relating to driver, vehicle, and cargo safety inspections with which motor carriers and transport vehicles shall comply, and shall be no more restrictive than the applicable provisions of the Federal Motor Carrier Safety Regulations of the United States Department of Transportation. These regulations shall not apply to hours worked by any carrier when transporting passengers or property to or from any portion of the Commonwealth for the purpose of providing relief or assistance in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, major loss of utility services, or other calamity or disaster. The suspension of the regulation provided for in this subsection shall expire if the Secretary of the United States Department of Transportation determines that it is in conflict with the intent of Federal Motor Carrier Safety Regulations.

B. For the purposes of this section:

~~1.~~ "Commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in interstate or intrastate commerce to transport passengers or property if such vehicle (i) has a gross vehicle weight rating or gross combination weight rating of more than 26,000 pounds, (ii) is designed to transport more than fifteen passengers, including the driver, regardless of weight, or (iii) is used to transport hazardous materials in a quantity requiring placards by regulations issued under authority of Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1.

~~2.~~ "Motor carrier" means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property *or passengers* by motor vehicle. This term also encompasses any agent, officer, representative, or employee who is responsible for the hiring, supervision, training, assignment, or dispatching of drivers.

~~3.~~ "Transport vehicle" means any vehicle owned or leased by a motor carrier used in the

transportation of goods or persons.

~~4.~~ "Safety inspection" means the detailed examination of a vehicle for compliance with safety regulations promulgated under this section and includes a determination of the qualifications of the driver and his hours of service.

C. Any violation of the provisions of the regulations adopted pursuant to this section shall constitute a traffic infraction punishable by a fine of not more than $1,000 for the first offense or by a fine of not more than $5,000 for a subsequent offense. Each day of violation shall constitute a separate offense.

D. The Department of State Police, together with all other law-enforcement officers certified to perform vehicle safety inspections as defined by § 46.2-1001 ~~and those agents of the Motor Carrier Enforcement Section of the State Corporation Commission~~ who have satisfactorily completed forty hours of on-the-job training and a course of instruction as prescribed by the U.S. Department of Transportation, Federal Highway Administration, Office of Motor Carriers, in federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria, shall enforce the regulations and other requirements promulgated pursuant to this section. Those law-enforcement officers certified to enforce the regulations and other requirements promulgated pursuant to this section shall annually receive in-service training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria.

E. Any records required to be maintained by motor carriers pursuant to regulations promulgated by the Superintendent under the authority of subsection A of this section shall be open to inspection during a carrier's normal business hours by specially trained members of the Department of State Police specifically designated by the Superintendent. Members of the Department of State Police designated for that purpose by the Superintendent shall also be authorized, with the consent of the owner, operator, or agent in charge or with an appropriate warrant obtained under the procedure prescribed in Chapter 24 (§ 19.2-393 et seq.) of Title 19.2, to go upon the property of motor carriers to verify the accuracy of maintenance records by an inspection of the vehicles to which those records relate.

§ 56-273. Definitions.

Whenever used in this chapter unless expressly stated otherwise:

~~The term "broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who, as principal or agent, sells or offers for sale any transportation subject to this chapter, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.~~

~~The term "certificate" means a certificate of public convenience and necessity issued by the State Corporation Commission to common carriers by motor vehicle and restricted common carriers by motor vehicle under this chapter authorizing the transportation of passengers or property, or both, over the public highways of this Commonwealth; but nothing contained in this chapter shall be construed to mean that the Commission can issue any such certificate authorizing intracity transportation.~~

~~The term~~ "Common carrier by motor vehicle" means any person who undertakes, whether directly or by a lease or any other arrangement, to transport passengers ~~or property~~ for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail or water ~~and of express or forwarding companies~~ under this chapter.

"Decal" means an identification marker which is attached to the outside of each vehicle required to carry a registration card.

~~The term "exemption card" means the exemption card issued by the Commission for each exempt motor vehicle under this chapter.~~

~~The term~~ "Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicular travel in this Commonwealth, including the streets and alleys in towns and cities.

~~The term "minibus" means any motor vehicle having a seating capacity of not less than seven nor more than sixteen passengers and used in the transportation of passengers.~~

~~The term~~ "Motor carrier" includes a common carrier by motor vehicle, a restricted common carrier by motor vehicle, and a ~~contract~~ *motor* carrier *of property* by motor vehicle.

~~The term~~ "Motor carrier of property" means any person, not included under other definitions of this section, who under special and individual contracts or agreements, and whether directly or by a lease or any other arrangement, transports property by motor vehicle for compensation.

~~The term~~ "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, but does not include any vehicle, locomotive or car operated exclusively on a rail or rails.

~~The terms "operation" or "operations" include the operation of all motor vehicles as defined in this section, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.~~

~~The term~~ "Permit" means a permit issued by the Commission to ~~contract carriers~~ *motor carriers of property* by motor vehicle, or to operators of taxicabs or other vehicles performing taxicab service under

this chapter.

~~The term~~ "Person" means any individual, firm, copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"Registration card" means a card issued to the owner or operator of any vehicle operated under the provisions of this chapter.

"Registration receipt" means any receipt issued pursuant to 49 U.S.C. § 11506 evidencing that the carrier has the required insurance and paid the requisite fees to the Commonwealth.

~~The term~~ "Restricted common carrier by motor vehicle" means any person who undertakes, whether directly or by a lease or other arrangement, to transport passengers ~~or property~~ of any restricted class or classes by motor vehicle for compensation, whether over regular or irregular routes.

~~When used in connection with, or with respect to, a certificate of public convenience and necessity the word "route" means the road or highway, or segment thereof, operated over by the holder of a certificate of public convenience and necessity or proposed to be operated over by an applicant therefor, whether such road or highway is designated by one or more highway numbers.~~

~~The "services" and "transportation" to which this chapter applies include the service of, and all transportation by, all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, express or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of passengers or property or the performance of any service in connection therewith.~~

~~The term~~ "Taxicab or other motor vehicle performing a taxicab service" means any motor vehicle having a seating capacity of not more than six passengers and not operating on a regular route or between fixed terminals used in the transportation of passengers for hire or for compensation, not a common carrier or restricted common carrier as defined in this chapter.

~~The term "warrant" means the warrant issued by the Commission for each motor vehicle under this chapter.~~

§ 56-291.9. Application for permit; action of Commission.

Any person desiring a permit under this chapter shall file with the Commission an application in the form prescribed by the Commission. Such application shall contain a promise of compliance by the applicant with the provisions of this chapter and with the ~~lawful~~ rules and regulations of the Commission governing the operations of ~~contract~~ *motor* carriers ~~by motor vehicle~~ *of property* upon the highways of the Commonwealth. Such application may be filed with the Commission by the applicant in person or transmitted by registered mail. Upon satisfying the Commission that the provisions of this chapter and the lawful rules and regulations of the Commission adopted pursuant hereto, which are prerequisite to the granting of a permit, have been complied with, the Commission shall issue such permit to such applicant without further proceedings.

§ 56-291.11. Rules and regulations.

The Commission shall prescribe such rules and regulations as it may deem proper for the enforcement *and administration* of the provisions ~~of this article and Articles 3 (§ 56-288 et seq.) and 4.1 (§ 56-291.1 et seq.)~~ of this chapter.

§ 56-291.13. Filing fees for permits.

Every applicant for a permit under the provisions of this chapter shall~~, upon the filing of the application,~~ deposit with the Commission, as a filing fee, ~~the~~ *a* sum ~~of fifty dollars, and for the transfer of any such permit the sum of fifty dollars and for the issuance of a duplicate permit the sum of three dollars, said fees to be paid for the purpose of defraying the expense~~ *to be set by the Commission. An annual fee shall be imposed for all permits. The amount of the filing fee, annual fee and date of payment of the annual fee shall be set by Commission general order or rule. Revenues from such fees shall be used to defray the reasonable expenses* of administering the provisions of law with respect to the issuance *and renewal* of such permits.

§ 56-304. Registration receipts or decals and registration cards.

A. It shall be unlawful for any person to operate or cause to be operated for compensation on any highway in this Commonwealth any self-propelled motor vehicle that is required by law to display license plates issued by the Department of Motor Vehicles unless there has been issued by the Commission to the owner or the operator of the vehicle a ~~warrant or an exemption~~ *registration* card and a ~~classification plate~~ *decal* for each vehicle so operated; or, for such vehicles used solely in interstate commerce, there has been issued to the motor carrier a ~~stamp or~~ decal, *registration card and a registration receipt*.

B. ~~A warrant shall be issued for each vehicle that is not exempt under § 56-274. An exemption~~ *A registration* card *and decal* shall be issued for each vehicle ~~that is exempt under § 56-274~~ unless all the operations of the vehicle are exempt from the road taxes imposed by Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1. A ~~classification plate~~ *decal and registration card* shall be issued for each vehicle, indicating the purpose for which the vehicle may ~~lawfully~~ be operated~~, and having on it the same number that appears on the warrant or exemption card issued for the vehicle~~. At all times the ~~classification plate~~ *decal* shall be displayed on the vehicle and the ~~warrant or exemption~~ *registration* card carried in the vehicle. ~~Stamps or~~ Decals, *registration cards, and registration receipts* shall be issued to motor carriers

holding authority from the Interstate Commerce Commission as the Commission may prescribe.

C. The foregoing provisions of this section shall not apply to vehicles operated as ambulances by private ambulance services.

D. The Commission shall have the authority to waive the requirements of this section for vehicles under emergency conditions.

§ 56-304.1. Registration cards, decals and registration receipts.

A. It shall be unlawful for any person to operate or cause to be operated for compensation on any highway in this Commonwealth any passenger vehicle if such vehicle is operated as a common carrier; or any road tractor, or any tractor truck, or any truck having more than two axles, that is not required by law to display license plates issued by the Department of Motor Vehicles, unless:

1. There has been issued ~~by the Commission~~ to the owner or operator of the vehicle a registration card and ~~an identification marker~~ *decal*, when in the opinion of the Commission ~~marker~~ *a decal* should be issued, for each vehicle so operated. At all times the registration card shall be carried in the vehicle for which it is issued. The ~~marker~~ *decal*, when issued, ~~shall have on it the same number that appears on the registration card and~~ shall at all times be displayed on the vehicle, or

2. There has been issued ~~by the Commission to the owner or operator of the vehicle a stamp, when in the opinion of the Commission a stamp should be issued for each vehicle so operated. At all times the stamp~~ *a registration receipt, which* shall be carried in the vehicle ~~and affixed to an appropriate registration card that properly describes the operator of the vehicle and the vehicle in which it is carried~~ *at all times.*

B. The Commission's decision that a vehicle is or is not required by law to display license plates issued by the Department of Motor Vehicles shall be binding on the Department and on the trial courts.

C. The Commission shall have the authority to waive the requirements of this section for vehicles under emergency conditions.

§ 56-304.2. Private carriers.

A. It shall be unlawful for any person to operate or cause to be operated for the transportation not for compensation of property on any highway in this Commonwealth any road tractor, or any tractor truck, or any truck having more than two axles unless there has been issued by the Commission to the owner or the operator of the vehicle a registration card and ~~an identification marker~~ *decal* for each vehicle so operated. At all times the registration card shall be carried in the vehicle for which it was issued *and the decal shall be displayed*. ~~The marker shall have on it the same number that appears on the registration card and shall at all times be displayed on the vehicle~~.

B. The provisions of this section shall not be applicable to farm motor vehicles which are not subject to the provisions of Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1.

C. The Commission shall have the authority to waive the requirements of this section for vehicles under emergency conditions.

§ 56-304.3. Numbers in lieu of decals.

A person who owns and operates more than five vehicles for which ~~warrants or exemption cards~~ *registration cards and decals* have been issued under § 56-304, or for which *a* registration ~~cards~~ *card and decal* have been issued under § 56-304.1 or § 56-304.2, may apply to the Commission for leave to paint on the sides of said vehicles an identifying number~~; and~~. The Commission, instead of issuing ~~classification plates or markers~~ *decals* for said vehicles, may authorize the applicant to paint on them letters and a number as specified by the Commission, which number shall appear on each ~~warrant, exemption card or~~ registration card issued for said vehicles.

§ 56-304.4. Fees.

For issuing each ~~warrant, each exemption card and each~~ *decal*, registration card *and registration receipt* for a vehicle engaged in the transportation of passengers, the Commission shall collect from the applicant a fee to be set by the Commission not exceeding three dollars. For issuing each ~~warrant, each exemption card, each~~ *decal,* registration card and ~~each stamp~~ *registration receipt* for a vehicle engaged in the transportation of property, the Commission shall collect from the applicant a fee of ten dollars. These fees shall defray the cost of administering and enforcing the provisions of this article and Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1. Any excess over such cost of administration shall be paid into the highway maintenance and construction fund and used for the maintenance and construction of highways.

§ 56-304.5. Payment of road taxes and income taxes.

No ~~warrant, exemption card~~ *decal*, registration card or ~~stamp~~ *registration receipt* shall be issued unless the applicant certifies that he has made all tax reports and paid all taxes then due from him under Article 5 (§ 58.1-2652 et seq.) of Chapter 26 and Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, nor shall any such ~~warrant, exemption card~~ *decal*, registration card, or ~~stamp~~ *registration receipt* be issued if the Tax Commissioner has notified the Commission that the applicant has failed to file any return or pay in full any tax required of him under Chapter 3 (§ 58.1-300 et seq.) of Title 58.1.

§ 56-304.6. Agent for service of process.

~~No warrant, exemption card, registration card or stamp shall be issued to any nonresident applicant unless he files with the Commission a power of attorney appointing the Secretary of the Commonwealth or some other suitable person residing in Virginia as his agent on whom process and orders may be~~

~~served.~~

Any nonresident person, firm or corporation ~~who~~ *that* operates or causes to be operated in this Commonwealth any ~~passenger-carrying vehicle or any road tractor, tractor truck, or truck having more than two axles~~ *motor vehicle subject to the provisions of this chapter* without first appointing an agent for service of process, shall be deemed by such operation to appoint the Secretary of the Commonwealth as his agent on whom process and orders may be served for any action initiated by the Commission.

§ 56-304.6:1. Authority as a prerequisite to issuance of registration card, etc.

No ~~warrant, exemption card~~ *decal,* registration card or ~~stamp~~ *registration receipt* shall be issued to any applicant under §§ 56-304, 56-304.1 or § 56-304.2 until such applicant has obtained appropriate authority from the Interstate Commerce Commission, or any other authority or commission, if such authority is required and has registered evidence of such authority, if any, with the State Corporation Commission, or if no authority is required by the Interstate Commerce Act, until such applicant has certified to the State Corporation Commission the fact of nonrequirement of authority by the Interstate Commerce Act.

Such registration of authority or certificate of nonrequirement of authority shall be made annually.

§ 56-304.6:2. Compliance with liability insurance requirements prerequisite to issuance of registration card, etc.

No ~~warrant, exemption card~~ *decal,* registration card or ~~stamp~~ *registration receipt* shall be issued unless the applicant has complied with the State Corporation Commission's regulations as to certifying existence of personal injury and property damage liability insurance of an amount not less than that required by § 56-300 or certifies that proper insurance is on file with the Interstate Commerce Commission pursuant to the requirements of that Commission.

§ 56-304.7. Expiration dates.

Every ~~warrant, exemption card and classification plate~~ *registration card, decal and permit* issued by the Commission *to intrastate carriers of passengers or property for compensation* shall expire on April 15 following January 1 following the date on which it was issued.

Every registration card and ~~identification marker~~ *decal* issued by the Commission *for motor fuel road tax purposes* shall expire on June 30 following January 1 following the date on which it was issued.

Every ~~stamp~~ *registration receipt* issued by the Commission shall expire on ~~February 1~~ *December 31* following October 1 following the date on which it was issued.

§ 56-304.8. Title to registration cards and decals.

All ~~classification plates and identification markers~~ *decals, registration cards, and registration receipts* issued by the Commission shall remain the property of the Commission.

§ 56-304.9. Temporary emergency operation.

In an emergency, the Commission *or its agent* may, by ~~letter or telegram~~ *written authorization,* authorize a vehicle to be operated without a registration card, ~~stamp, warrant or exemption card~~ *decal, or registration receipt* for not more than ten days. Before sending such ~~letter or telegram~~ *written authorization,* the Commission shall collect from the owner or operator a fee ~~of twenty dollars~~ *to be set by the Commission* for each vehicle so operated. *The fee is to be set by general order or rule and shall be used to defray the reasonable expenses of administering this provision.*

§ 56-304.11. Violations declared to be misdemeanors; penalties.

A. The following violations of laws shall be punished as hereinafter provided:

1. Any person who does not obtain a ~~warrant, exemption card, classification plate~~ *decal,* registration card, ~~identification marker, stamp~~ *registration receipt* or other evidence of authority as required by this article shall be guilty of a Class 4 misdemeanor.

2. Any person who operates or causes to be operated on any highway in Virginia any motor vehicle that does not carry the ~~warrant, exemption card~~ *decal,* registration card or ~~stamp~~ *registration receipt* that this article requires it to carry, or any motor vehicle that does not display in such manner as is prescribed by the Commission the ~~classification plate, identification marker~~ *decal, registration card or registration receipt,* or assigned number that this article requires it to display, shall be guilty of a Class 4 misdemeanor.

3. Any person who knowingly displays or uses on any vehicle operated by him any ~~classification plate, identification marker, stamp~~ *decal, registration card or registration receipt,* or assigned number which has not been issued to the owner or operator thereof for such vehicle and any person who knowingly assists him to do so shall be guilty of a Class 3 misdemeanor.

4. Any person who operates or causes to be operated on any highway in Virginia any motor vehicle in an operation requiring authority under this article from the State Corporation Commission after such authority has been revoked shall be guilty of a Class 3 misdemeanor.

B. The officer charging the violation under this article ~~shall~~ *may* serve a citation on the ~~operator~~ *driver* of the vehicle in violation. Such citation shall be directed to the owner, operator or other person responsible for the violation as determined by the officer. Service of the citation on the vehicle operator shall constitute service of process upon the owner, operator or other person charged with the violation under this article, and shall have the same legal force and validity as if served within the Commonwealth personally upon the owner, operator or other person charged with the violation, whether

such owner, operator or other person charged is a resident or nonresident.

§ 58.1-2114. Refunds to certain bus lines and taxicab services; payment.

A. Any person who purchases motor fuel for consumption in ~~motor~~ *highway* vehicles used in operating an urban or suburban bus line or a taxicab service within the Commonwealth, or used in regular route service over the highways of this Commonwealth by common carriers of passengers certificated pursuant to § 56-280 shall be entitled to a refund on the tax paid on any such motor fuel. However, no refund shall be granted unless the majority of the passengers utilizing such bus line or taxicab service do so for the purpose of travel for a distance of not more than forty miles, one way, in a single day between their place of abode and their place of employment, shopping areas or schools.

The amount of the refund shall be equal to the amount of the tax paid, except for refunds granted on the tax paid on fuel used by a taxicab service. The refund granted on fuel used by a taxicab service shall be in an amount equal to the tax paid less one cent per gallon on fuel so used.

B. Any person entitled to a refund under subsection A of this section shall file with the Commissioner, on forms prepared and furnished by him, an application, in writing, duly signed by the applicant, and accompanied by a paid ticket or invoice from the dealer or retailer showing such purchase. The application shall set forth: (i) the total amount of fuel purchased; (ii) the total amount of fuel used as provided in subsection A of this section; and (iii) how such fuel was used. The Commissioner, upon the presentation of such application and paid ticket, invoice or other document, shall pay to the applicant from the taxes collected on motor fuel, the refund as provided in subsection A of this section. The application for a refund must be filed with the Commissioner within three months from the date of the sale or invoice.

No refund shall be granted for ~~motor vehicle~~ fuel taxes paid on taxicab services unless the applicant is the holder of a permit from the ~~State Corporation Commission~~ *Department of Motor Vehicles*. No such applicant shall be denied a refund by reason of the fee arrangement between the holder of the permit and the driver or drivers, if all other conditions of this section have been met. Any refunds made hereunder shall be deducted from the urban highway funds allocated to the highway construction district, pursuant to Article 1.1 (§ 33.1-23.01 et seq.) of Chapter 1 of Title 33.1, in which the recipient has its principal place of business.

C. Except as otherwise provided in this chapter, all provisions of law applicable to the refund of gasoline taxes and other motor fuel taxes by the Commissioner shall apply to the refunds authorized by this section. Any city, town or county having withdrawn its roads from the secondary system of state highways under the provisions of § 11 of Chapter 415 of the Acts of 1932 shall receive its proportionate share of such special funds as is now provided by law with respect to other motor fuel tax receipts.

§ 58.1-2700. Definitions.

Whenever used in this chapter, the term:

"Carrier" means a person who operates or causes to be operated a commercial motor vehicle on any highway in the Commonwealth.

~~"Commission" means the State Corporation Commission, which is responsible for the administration of this chapter.~~

"Department" means the Department of Motor Vehicles, acting through its officers and agents.

"Identification marker" means a decal issued by the Department to show that a vehicle operated by a carrier is properly registered with the Department for the payment of the road tax.

"IFTA" means the International Fuel Tax Agreement, as entered into by the Department, and as amended by the International Fuel Tax Association, Inc.

"Licensee" means a carrier who holds an uncancelled IFTA license issued by the Commonwealth.

"Motor carrier" means every person, firm or corporation who owns or operates or causes to be operated on any highway in this Commonwealth any ~~road tractor, tractor truck, or truck having more than two axles~~ *qualified motor vehicle*.

"Operations" means the physical activities of all such vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

"Qualified motor vehicle" means a motor vehicle used, designed, or maintained for transportation of persons or property that (i) has two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms, (ii) has three or more axles regardless of weight, or (iii) is used in combination, when the weight of such combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle or registered gross vehicle weight. "Qualified motor vehicle" does not include recreational vehicles.

~~"Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.~~

~~"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto, and shall include, but not be limited to, any truck having more than four wheels used to draw boats, mobile homes, sections of prefabricated houses or more than one motor vehicle.~~

§ 58.1-2700.1. Interstate motor carrier road tax.

In accordance with the provisions of IFTA, as amended, the Department shall issue a license and vehicle identification markers to each carrier that operates qualified motor vehicles in the Commonwealth and at least one other jurisdiction participating in IFTA so as to report its road tax liabilities. The Department shall issue vehicle identification markers to carriers that operate qualified motor vehicles in the Commonwealth solely, or in the Commonwealth and at least one other jurisdiction not participating in IFTA. Each application shall contain the name and address of the carrier, and such other information as may be required by the Department.

The Department shall issue to the motor carrier identification markers for each vehicle in the carrier's fleet that will be operated within the Commonwealth.

The identification markers issued to the vehicles of the IFTA-licensed carriers shall expire on December 31 of each year. All other identification markers issued to carriers shall expire on June 30 of each year. The identification markers may be renewed prior to expiration provided (i) the carrier's privilege to operate vehicles in the Commonwealth has not been revoked or canceled, (ii) all required tax reports have been filed, and (iii) all road taxes, penalties, and interest due have been paid.

The cost of the identification markers issued to each vehicle in the carrier's fleet shall be ten dollars per vehicle.

In an emergency, the Department may, by letter, telegram, or other electronic means, authorize a vehicle to be operated without identification markers for not more than ten days. Before sending such authorization, the Department shall collect from the carrier a fee of twenty dollars for each vehicle so operated.

§ 58.1-2700.2. Placement of identification markers.

All carriers licensed by the Department shall place the identification markers issued by the Department on each vehicle in the carrier's fleet in the place prescribed by the Department.

§ 58.1-2700.3. Waiver in emergency situations.

The Department shall have the authority to waive the requirements of this title for vehicles under emergency conditions.

§ 58.1-2702. Exemptions and exceptions.

The provisions of this chapter shall not apply to a person, firm or corporation owning or operating:

1. A single ~~Virginia-licensed truck operated without compensation~~ *recreational vehicle*;

2. The first two Virginia-licensed trucks, if used exclusively for farm use as defined in § 46.2-698 and if not licensed in any other state;

3. ~~Motor vehicles regularly engaged in the transportation of passengers;~~

~~4.~~ Tractors, ~~tractor trucks and trucks with more than two axles~~ *Qualified motor vehicles* of a licensed motor vehicle dealer when operated without compensation for purposes incident to a sale or for demonstration; or

~~5.~~ *4.* Any motor vehicle owned and operated by the United States, the District of Columbia, the Commonwealth of Virginia or any municipality or any other political subdivision of the Commonwealth, or any other state.

§ 58.1-2705. Reports of carriers.

~~A.~~ Every motor carrier subject to the tax imposed by this chapter *or filing under the terms of the International Fuel Tax Agreement* shall, on or before the last day of April, July, October and January of every year, make to the ~~Commission~~ *Department or proper agency pursuant to the International Fuel Tax Agreement* such reports of its operations during the quarter ending the last day of the preceding month as the ~~Commission~~ *Department* may require and such other reports from time to time as the ~~Commission~~ *Department* may deem necessary.

~~B. The Commission may allow any person, who leases motor vehicles without drivers to a motor carrier by a contract under which the entire cost of fuel is included in the rental charge and the lessor purchases such fuel and maintains records of fuel used and miles traveled in such rental vehicles, to file a consolidated report covering all vehicles leased by it as though such carriers were a single carrier. Such person so filing shall be responsible for the total tax due from all such vehicles.~~

§ 58.1-2706. Credit for payment of motor fuel tax.

A. Every motor carrier subject to the road tax shall be entitled to a credit on such tax equivalent to sixteen cents per gallon on all gasoline or other motor fuel purchased by such carrier within the Commonwealth for use in its operations either within or without the Commonwealth and upon which gasoline or other motor fuel the tax imposed by the laws of the Commonwealth has been paid by such carrier. Evidence of the payment of such tax in such form as may be required by, or is satisfactory to, the ~~Commission~~ *Department* shall be furnished by each carrier claiming the credit herein allowed.

B. When the amount of the credit to which any motor carrier is entitled for any quarter exceeds the amount of the tax for which such carrier is liable for the same quarter, the excess may ~~under regulations of the Commission~~: (i) be allowed as a credit on the tax for which such carrier would be otherwise liable for any of the ~~four~~ *eight* succeeding quarters~~;~~ or (ii) be refunded, upon application ~~within ninety days from the end of any quarter~~, duly verified and presented~~, in accordance with regulations promulgated by the Commission~~ and supported by such evidence as may be satisfactory to the

~~Commission~~ *Department*.

C. The ~~Commission~~ *Department* may allow a refund upon receipt of proper application and review. It shall be at the discretion of the ~~Commission~~ *Department* to determine whether an audit is required.

D. The refund may be allowed without a formal hearing if the amount of refund is agreed to by the applicant. Otherwise, a formal hearing on the application shall be held by the ~~Commission~~ *Department* after notice of not less than ten days to the applicant and the Attorney General.

E. Whenever any refund is ordered it shall be paid out of the Highway Maintenance and Construction Fund.

F. Whenever a person operating under lease to a motor carrier to perform transport services on behalf of the carrier purchases gasoline or other motor fuel relating to such services, such payments or purchases may, at the discretion of the ~~Commission,~~ ~~in accordance with regulations promulgated by the~~ ~~Commission~~ *Department*, be considered payment or purchases by the carrier.

§ 58.1-2707. Refunds to motor carriers who give bond.

A motor carrier *not operating as an IFTA licensee* may be required to give a surety company bond in the amount of not less than $2,000, as shall appear sufficient in the discretion of the ~~Commission~~ *Department*, payable to the Commonwealth and conditioned that the carrier will pay all taxes due and to become due under this chapter from the date of the bond to the date when either the carrier or the bonding company notifies the ~~Commission~~ *Department* that the bond has been canceled. The surety shall be a corporation authorized to write surety bonds in Virginia. So long as the bond remains in force the ~~Commission~~ *Department* may order refunds to the motor carrier in the amounts appearing to be due on applications duly filed by the carrier under this chapter (§ 58.1-2700 et seq.) without first auditing the records of the carrier. The surety shall be liable for all omitted taxes assessed pursuant to § 58.1-2025 against the carrier, including the penalties and interest provided in such section, even though the assessment is made after cancellation of the bond, but only for taxes due and payable while the bond was in force and penalties and interest on the taxes.

§ 58.1-2708. Inspection of books and records.

The ~~Commission~~ *Department* and its authorized agents and representatives shall have the right at any reasonable time to inspect the books and records of any motor carrier subject to the tax imposed by this chapter.

§ 58.1-2709. Penalties.

~~A.~~ The ~~Commission~~ *Department* may, after a hearing had upon notice, duly served not less than ten days prior to the date set for such hearing, impose a penalty, which shall be in addition to any other penalty imposed by this chapter, not exceeding $2,500, upon any *non-IFTA-licensed* motor carrier violating any provision of this chapter, or failing to comply with any regulation of the ~~Commission~~ *Department* promulgated pursuant to this chapter. Each such failure or violation shall constitute a separate offense. The penalty shall be collectible by the process of the ~~Commission~~ *Department* as provided by law. *Any person against whom an order or decision of the Commissioner has been adversely rendered relating to the tax imposed by this chapter may, within fifteen days of such order or decision, appeal from such an order or decision to the Circuit Court of the City of Richmond.* In addition to imposing such penalty, or without imposing any penalty, the ~~Commission~~ *Department* may suspend or revoke any certificate, permit or other evidence of right issued by the ~~Commission~~ *Department* which the motor carrier holds.

~~B. Any motor carrier convicted under this section shall have the right of appeal to the Supreme Court as in other cases of appeals of right from the Commission.~~

§ 58.1-2711. Assistance of Department of Taxation.

At the request of the ~~Commission~~ *Department*, the Department of Taxation shall furnish the ~~Commission~~ *Department* the amount of deduction from income taken by any person conducting business as a motor carrier as defined in § 58.1-2700 on account of the purchase of gasoline or other motor fuel.

§ 58.1-2712.1. International Fuel Tax Agreement.

The Department may, with the approval of the Governor, enter into the International Fuel Tax Agreement for interstate motor carriers and abide by the requirements set forth in the Agreement. All requirements of the Agreement shall also apply to motor carriers operating in intrastate commerce unless specific requirements are determined by the Department to be not in the best interest of the motor carrier industry.

2. That §§ 58.1-2700, 58-2702 and 58.1-2705 as amended and reenacted by the first enactment of this act shall become effective on January 1, 1996.

3. That §§ 56-274 through 56-291.3:7, 56-292 through 56-303.1, 56-304.12 through 56-304.16, Articles 9 and 10 (§§ 56-305 through 56-338) of Chapter 12 of Title 56, Chapters 12.1 through 12.5 (§§ 56-338.1 through 56-338.84) Chapter 12.7, (§§ 56-338.93 through 56-338.103), Chapter 12.8, (§§ 56-338.104 through 56-338.127), and Chapter 14.1 (§§ 56-457.1 through 56-457.10) of Title 56 of the Code of Virginia are repealed.

4. That the responsibility for collection of all taxes imposed pursuant to § 58.1-2700, excluding those taxes to be paid under the International Fuel Tax Agreement, shall remain with the State Corporation Commission until March 31, 1996.

5. That any and all certificates of public convenience and necessity, certificates as limousine and executive sedan carriers authorizing operations, permits and licenses for brokers in the nature of those authorized by this Act, issued by the State Corporation Commission prior to July 1, 1995, shall remain in full force and effect.

6. That any and all rules and regulations and administrative orders governing the operations, supervision and control of motor carriers engaged in operations, in the nature of those authorized, which were in effect on July 1, 1995, shall remain in full force and effect until such time as changed in accordance with law.

7. That §§ 56-273, 56-291.9 through 56-291.13, 56-304 through 56-304.11, and 58.1-2712 of the Code of Virginia are repealed effective January 1, 1996.