

VIRGINIA ACTS OF ASSEMBLY -- 1995 RECONVENED SESSION

CHAPTER 747

An Act to amend and reenact §§ 46.2-725, 46.2-726, 46.2-728.3, 46.2-732, 46.2-737, 46.2-739 through 46.2-746.1, 46.2-749 through 46.2-749.2:1, 46.2-749.4, and 46.2-750 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 46.2-736.1, 46.2-736.2, 46.2-746.2 through 46.2-746.9, and 46.2-748.1, and by adding in Article 10 of Chapter 6 of Title 46.2 sections numbered 46.2-749.6 through 46.2-749.11; and to repeal §§ 46.2-725.1 and 46.2-729 of the Code of Virginia, relating to license plates for certain government-owned vehicles and special license plates.

[H 2049]

Approved April 6, 1995

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-725, 46.2-726, 46.2-728.3, 46.2-732, 46.2-737, 46.2-739 through 46.2-746.1, 46.2-749 through 46.2-749.2:1, 46.2-749.4, and 46.2-750 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-736.1, 46.2-736.2, 46.2-746.2 through 46.2-746.9, and 46.2-748.1, and by adding in Article 10 of Chapter 6 of Title 46.2 sections numbered 46.2-749.6 through 46.2-749.11 as follows:

§ 46.2-725. Special license plates, generally.

A. No series of special license plates shall be created or issued by the Commissioner or the Department except as authorized in this article. No special license plates in any series not provided for in this article and no registration decal for any such license plate shall be issued, reissued, or renewed on or after July 1, 1995. However, subject to the limitations contained in subdivisions 1 and 2 of subsection B of this section, the Commissioner may issue special license plates that are combinations of no more than two series of special license plates authorized in this article; the fee for any such combination shall be equal to the sum of the fees for the two series plus the fee for reserved numbers and letters, if applicable.

B. Except as otherwise provided in this article:

1. No license plates provided for in this article shall be issued until the Commissioner receives at least 350 prepaid applications therefor;

2. No additional license plates shall be issued or reissued in any series that, after five or more years of issuance, has fewer than 100 active sets of plates, unless applications therefor again meet the criterion of subdivision 1 of this subsection;

3. All reissued or replacement special license plates shall be subject to a fee of fifteen dollars;

4. Except as otherwise provided in this article, The annual fee for the issuance of any license plates issued pursuant to this article shall be ten dollars plus the prescribed fee for state license plates. Applications for all special license plates issued pursuant to this article shall be on forms prescribed by the Commissioner. All special license plates issued pursuant to this article shall be of designs prescribed by the Commissioner and shall bear unique letters and numerals, clearly distinguishable from any other license plate designs, and be readily identifiable by law-enforcement personnel.

No other state license plates shall be required on any vehicles bearing special license plates issued under the provisions of this article.

All fees collected by the Department under this article shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

§ 46.2-726. License plates with reserved numbers or letters; fees.

The Commissioner may, in his discretion, reserve license plates with certain registration numbers or letters or combinations thereof for issuance to persons requesting license plates so numbered and lettered.

Special License plates with reserved numbers or letters may be issued under this section for and displayed on vehicles operated as ambulances by private ambulance services.

The annual fee for the issuance of any license plates with reserved numbers or letters shall be ten dollars plus the prescribed fee for state license plates. If those license plates with reserved numbers or letters are subject to an additional fee beyond the prescribed fee for state license plates, the fee for such special license plates with reserved numbers or letters shall be ten dollars plus the additional fee for the special license plates plus the prescribed fee for state license plates.

§ 46.2-728.3. Special license plates displaying the official insect of the Commonwealth; fees.

On receipt of an application, the Commissioner shall issue license plates displaying the official insect of the Commonwealth as designated by § 7.1-40.5. These license plates shall be valid for whatever period the Commissioner determines.

No license plates shall be issued under this section until the Commissioner receives at least 150

prepaid applications therefor.

§ 46.2-732. Special license plates and decals for the deaf; fees.

On receipt of an application, the Commissioner shall issue appropriately designed license plates to deaf persons. For purposes of this section, a deaf person shall be defined as a person who cannot hear and understand normal speech. The fee for these license plates shall be as provided in § 46.2-694.

The Commissioner shall also issue to any deaf person a removable decal, to be used on any passenger car, pickup or panel truck operated by such person. The decals shall be of a design determined by the Commissioner and shall be displayed in a manner determined by the Superintendent of State Police. A reasonable fee to be determined by the Commissioner shall be charged each person issued a decal under this section, but no fee shall be charged any person exempted from fees by § 46.2-739.

It shall be unlawful for any person who is not a person described in this section to willfully and falsely represent himself as having the qualifications to obtain the special plates or decal.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-736.1. Special license plates for certain officials.

On request, the Commissioner shall issue special license plates to the following officials: the Speaker of the House of Delegates, members of the House of Delegates, members of the Virginia Senate, the Clerk of the House of Delegates, the Clerk of the Virginia Senate, the Governor of Virginia, the Lieutenant Governor of Virginia, the Attorney General of Virginia, United States Congressmen, and United States Senators.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-736.2. Special license plates for certain appointed officials.

The Commissioner, on application, shall issue to members of state commissions and boards and to other state officials appointed by the Governor special license plates bearing decals or stickers identifying the commission, board, or office to which the applicant has been appointed.

§ 46.2-737. Special license plates for certain constitutional officers.

The Commissioner, on application, shall ~~supply~~ issue to sheriffs, county and city treasurers and commissioners of the revenue, attorneys for the Commonwealth, and circuit court clerks special license plates bearing the emblem designating the office of sheriff and ~~whatever digit or digits the Commissioner may determine~~ identifying the office held by the applicant.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-739. Special license plates for certain disabled veterans; fees.

A. On receipt of an application, the Commissioner shall issue special license plates to applicants who are disabled veterans as defined in § 46.2-100 or *unremarried surviving spouses of such disabled veterans*. These license plates shall be special permanent red, white, and blue license plates bearing the letters "DV." The application shall be accompanied by a certification from the U.S. Veterans Administration that the veteran has been so designated and that his disability is service-connected. License plates issued under this subsection shall not permit the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

B. On receipt of an application, the Commissioner shall issue special DV disabled parking license plates displaying the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts to the background to veterans who are also persons with disabilities that limit or impair their ability to walk as defined in § 46.2-100. The Commissioner shall require that such application be accompanied by a certification from a licensed physician to that effect. Special DV disabled parking license plates issued under this subsection shall authorize the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

No annual registration fee shall be required for any one motor vehicle owned and used personally by any veteran, provided such vehicle displays license plates issued under this section.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-740. Special license plates for survivors of Battle of Chosin Reservoir.

On receipt of an application and written evidence that the applicant is a survivor of the Battle of Chosin Reservoir, the Commissioner shall issue special license plates to the applicant.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-741. Special license plates for survivors of attack on Pearl Harbor.

On receipt of an application and written evidence that the applicant is an honorably discharged former member of one of the armed forces of the United States and, while serving in the armed forces of the United States, was present during the attack on the island of Oahu, Territory of Hawaii, on December 7, 1941, between the hours of 7:55 a.m. and 9:45 a.m., Hawaii time, the Commissioner shall

issue to the applicant special license plates identifying the vehicle as registered to a Pearl Harbor survivor.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-742. Special license plates for persons awarded Purple Heart; fee.

On receipt of an application and written evidence that the applicant has been awarded the Purple Heart, the Commissioner shall issue to the applicant special license plates.

For each set of license plates issued under this section, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of ten dollars at the time the plates are issued.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-742.1. Special license plates for persons awarded the Bronze Star or the Silver Star.

On receipt of an application and written evidence that the applicant has been awarded a Bronze Star or Silver Star Medal, the Commissioner shall issue to the applicant special license plates.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-742.2. Special license plates for persons awarded the Navy Cross, the Distinguished Service Cross, or the Air Force Cross.

On receipt of an application and written evidence that the applicant has been awarded the Navy Cross, the Distinguished Service Cross, or the Air Force Cross, the Commissioner shall issue to the applicant special license plates.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-743. Special license plates for certain veterans.

A. On receipt of an application and written evidence that the applicant is an honorably discharged former member of one of the armed forces of the United States, the Commissioner shall issue to the applicant special license plates.

B. *On receipt of an application and written evidence that the applicant is a veteran of World War II, the Commissioner shall issue special license plates to veterans of World War II.*

C. *On receipt of an application and written evidence that the applicant is a veteran of the Korean War, the Commissioner shall issue special license plates to veterans of the Korean War.*

D. *On receipt of an application and written evidence that the applicant is a veteran of the Vietnam War, the Commissioner shall issue special license plates to veterans of the Vietnam War.*

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-744. Special license plates for members of Virginia National Guard; fees.

On receipt of an application and written confirmation that the applicant is a member of the Virginia National Guard, the Commissioner shall issue to the applicant special license plates.

The fee for Virginia National Guard license plates shall be one-half the fee prescribed in § 46.2-694, unless the plates bear reserved numbers or letters as provided for in § 46.2-726. In this latter case, the fee for the issuance of license plates shall be as provided in § 46.2-726.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-745. Special license plates for persons awarded the Medal of Honor; fees.

On receipt of an application and written confirmation from one of the armed services that the applicant has been awarded the Medal of Honor, the Commissioner shall issue special license plates to such persons and to unmarried surviving spouses of such persons. No fee shall be charged for the issuance of these license plates.

It shall be unlawful for any person who is not a person described in this section to willfully and falsely represent himself as having the qualifications to obtain the special license plates herein provided for.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-746. Special license plates for former prisoners of war; fees.

On receipt of an application and written evidence from one of the armed forces that the applicant was a prisoner of war and was honorably discharged, if not currently a member of the armed forces, the Commissioner shall issue special license plates to persons who have been prisoners of the enemy in any war. No fee shall be charged for license plates issued under the provisions of this section.

It shall be unlawful for any person to willfully and falsely represent himself as having the qualifications to obtain the special plates provided for in this section.

No individual shall be issued special license plates under this section for more than one vehicle.

On presentation of appropriate written evidence from the Foreign Claims Settlement Commission of the United States, special license plates provided for in this section shall also be issued by the Commissioner to persons who were not members of the armed forces.

Unremarried surviving spouses of deceased former prisoners of war to whom persons eligible to receive special license plates were issued under this section may continue to also be issued special license plates under this section after their spouse's death. The fee for issuance of license plates under this section to such surviving spouses shall be as provided in § 46.2-725.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-746.1. Special license plates for members of military assault forces.

On receipt of an application and written evidence that the applicant is or has been, while serving in the armed forces of the United States, a member of a military assault force, the Commissioner shall issue to the applicant special license plates. For the purposes of this section, a military assault force is a unit or element of the armed forces of the United States engaged in or charged with the invasion or capture of territory under the control of enemy forces.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-746.2. Special license plates for members and former members of operational military units.

The Commissioner, on receipt of an application and evidence that the applicant is or has been a member of any operational military unit, the Commissioner shall issue special license plates to members and former members of operational military units. Such special license plates shall bear decals or stickers identifying the operational military unit of which the applicant is a member or former member.

§ 46.2-746.3. Special license plates for members of certain military reserve organizations.

The Commissioner, on application therefor, shall issue special license plates to members of the Air Force Reserve, the Army Reserve, the Coast Guard Reserve, the Marine Reserve, and the Naval Reserve. Such special license plates shall bear decals or stickers identifying the reserve organization of which the applicant is a member.

§ 46.2-746.4. Special license plates for members of certain military veterans' organizations.

On receipt of an application and written evidence that the applicant is a member of any of the following military veterans' organizations, the Commissioner shall issue special license plates to the members of the following organizations: the American Legion, the Marine Corps League, the Retired Officers Association, and the Vietnam Veterans of America.

§ 46.2-746.5. Special license plates for National Guard retirees.

On receipt of an application and written evidence that the applicant is a retired member of the National Guard, the Commissioner shall issue special license plates to National Guard retirees.

§ 46.2-746.6. Special license plates for members of certain volunteer search and rescue organizations.

On receipt of an application and written evidence that the applicant is a member, the Commissioner shall issue special license plates to members of the following organizations: the Civil Air Patrol, the Coast Guard Auxiliary, and any other volunteer search and rescue organization.

§ 46.2-746.7. Special license plates for members of certain civic organizations.

On receipt of an application and written evidence that the applicant is a member of such organization, the Commissioner shall issue special license plates to members of the following organizations: the Exchange Club, the Jaycees, the Kiwanis, the Lions of Virginia, Ruritan National, the Freemasons, the Shriners, the Order of the Eastern Star, the Knights of Columbus, and college and university fraternities and sororities.

§ 46.2-746.8. Special license plates for members of certain occupational associations.

On receipt of an application and written evidence that the applicant is a member of such organization, the Commissioner shall issue special license plates to members of the following organizations: the Communications Workers of America, the Virginia Sheriffs' Association, the Fraternal Order of Police, the International Association of Firefighters, the Association of Realtors, and the Society of Certified Public Accountants.

§ 46.2-746.9. Special license plates for certain occupations.

On receipt of an application and written evidence that the applicant is a magistrate, pharmacist, general registrar, or postmaster, the Commissioner shall issue special license plates to the applicant.

§ 46.2-748.1. Special license plates for presidents of institutions of higher education.

On receipt of an application therefor, the Commissioner shall issue special license plates to presidents of institutions of higher education.

§ 46.2-749. Issuance of license plates bearing seal, symbol, emblem, or logotype of certain institutions of higher education; fees.

A. On receipt of an application, the Commissioner may issue for any accredited college or university, in accordance with policies and procedures established by the Commissioner and in accordance with an agreement between the institution and the Department, special license plates bearing the seal, symbol, emblem, or logotype of that institution of higher education.

For each set of license plates issued hereunder, the Commissioner shall charge, in addition to the prescribed cost of state license plates, an annual fee of twenty-five dollars.

B. Any institution of higher education that enters into an agreement with the Department pursuant to

this section thereby waives any royalty fees to which it might otherwise be entitled for use of its seal, symbol, emblem, or logotype as provided in this section. However, any such institution located in Virginia shall annually receive an allocation of fifteen dollars for each set of license plates in excess of 1,000 ~~sets issued registrations~~ pursuant to the institution's agreement with the Department during the term of the agreement. The allocated funds shall be deposited by the Department into the state treasury and credited to the relevant institution to be used to support scholarships for eligible undergraduate students enrolled in the institution. Only students who (i) are bona fide domiciliaries of Virginia as defined in § 23-7.4 and (ii) are enrolled in educational programs whose primary purpose is not to provide religious training or theological education shall be eligible to receive such scholarships.

The State Council of Higher Education for Virginia shall review and approve plans for each participating institution for the implementation of these scholarship programs. These plans shall include, but need not be limited to, criteria for the awarding of the scholarships and procedures for determining the recipients.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-749.1. Special wildlife conservation plates.

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the following legend: WILDLIFE CONSERVATIONIST.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars plus the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 ~~sets issued registrations~~ pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to the special fund known as the game protection fund.

§ 46.2-749.2. Special Chesapeake Bay preservation plates.

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the following legend: FRIEND OF THE CHESAPEAKE.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars in addition to the prescribed fee for state license plates. For each such twenty-five dollar fee collected in excess of 1,000 ~~sets issued registrations~~ pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to the special fund known as the Chesapeake Bay Restoration Fund, established within the Department of Accounts, for use by the Council on the Environment or its successor agency for environmental education and restoration projects relating to the Chesapeake Bay and its tributaries.

§ 46.2-749.2:1. Special license plates for supporters of certain children's programs; fees.

On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing, at the applicant's option, either (i) a heart, (ii) a five-pointed star, or (iii) a child's handprint.

The annual fee for plates issued pursuant to this section shall be twenty-five dollars plus the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 ~~sets issued registrations~~ pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to the special fund known as the Children's Programs Support Fund for use as follows: one-half shall be paid into the Family and Children's Trust Fund and one-half shall be paid to the Department of Health for use by the Safe Kids Coalition.

§ 46.2-749.4. Special license plates bearing the seal, symbol, emblem, or logotype of certain localities.

On receipt of a minimum of 1,000 paid applications therefor, the Commissioner may design and issue special license plates whose design incorporates the seal, symbol, emblem, or logotype of any county or city.

The annual fee for plates issued pursuant to this section shall be twenty-five dollars plus the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 ~~sets issued registrations~~ pursuant to this section, fifteen dollars shall be paid to the locality whose seal, symbol, emblem, or logotype appears on the plate. These funds shall be paid to the affected localities quarterly and may be used as provided by the local governing body.

§ 46.2-749.6. Special license plates for supporters of the National Rifle Association.

On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of the National Rifle Association.

§ 46.2-749.7. Special license plates for supporters of Ducks Unlimited.

On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of Ducks Unlimited.

§ 46.2-749.8. Special license plates for Harley-Davidson motor vehicle owners.

On receipt of an application therefor, the Commissioner shall issue special license plates to owners of Harley-Davidson motor vehicles.

§ 46.2-749.9. Special license plates; Virginia Bowler.

On receipt of an application therefor, the Commissioner shall issue to the applicant special license plates bearing the legend: Virginia Bowler.

§ 46.2-749.10. Special license plates for ride-sharing vehicles.

On receipt of an application therefor, the Commissioner shall issue special license plates for display on ride-sharing vehicles. License plates shall be issued under this section only for privately owned motor vehicles (i) with seating for fewer than sixteen persons and (ii) participating in ride-sharing arrangements.

§ 46.2-749.11. Special license plates celebrating Native American heritage.

On receipt of application, the Commissioner shall issue special license plates celebrating Native American heritage.

§ 46.2-750. Vehicles of Commonwealth and subdivisions.

A. Motor vehicles, trailers, and semitrailers owned by the Commonwealth and political subdivisions thereof and used solely for governmental purposes shall be registered and shall display license plates as provided in this section. The fee for such license plates shall be equal to the cost incurred by the Department in the purchase or manufacture of such license plates. The fees received by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department of Motor Vehicles.

License plates issued for vehicles owned by the Commonwealth, except plates issued to be used (i) on vehicles devoted solely to police work, (ii) by the Department of Economic Development to the extent approved by the Governor, or (iii) by the Governor and the Attorney General, shall have conspicuously and legibly inscribed, stamped, or printed thereon words stating that the vehicle is for official state use only. The Commissioner shall reserve a unique series of numbers for use on such license plates and shall provide for a design and combination of colors which distinguish such license plates from those issued for vehicles owned by the counties, cities, and towns of the Commonwealth.

License plates issued for vehicles owned by counties, cities, and towns, except such plates issued to be used on vehicles devoted solely to police work, shall have conspicuously and legibly inscribed, stamped, or printed thereon words stating that the vehicle is for official local government use only. The Commissioner shall reserve a unique series of numbers for use on such license plates and shall provide for a design and combination of colors which distinguish such license plates from those issued for vehicles owned by the Commonwealth.

License plates issued for vehicles owned by the Commonwealth and the counties, cities, and towns thereof which have inscribed, stamped, or printed thereon the words, "Public Use," may be used only on the vehicle for which they were issued prior to January 1, 1990, but in no case shall such license plates be used for any vehicle after December 31, 1992.

No other license plates shall be used on vehicles for which official use plates have been issued, except for vehicles used solely for police work and as provided in subsection B of this section.

B. In addition to any other license plate authorized by this section, the Commissioner may issue permanent or temporary license plates for use on vehicles owned by the Commonwealth or any of its departments, institutions, boards, or agencies and used for security or transportation purposes in conjunction with conferences, meetings, or other events involving the Governor or members of the General Assembly. *No state agency shall use government funds to cover the costs of any license plates issued under this subsection.* The design of these license plates shall be at the discretion of the Commissioner. These license plates shall be issued under the following conditions:

1. For each set of permanent license plates issued, the Commissioner shall charge a fee of \$100. The Commissioner shall limit the validity of any set of license plates issued under this subdivision to no more than thirty consecutive days. The Commissioner's written authorization for use of any set of license plates issued under this subdivision shall be kept in the vehicle on which the license plates are displayed until expiration of the authorization.

2. The Commissioner shall limit the validity of each set of temporary license plates to no more than fourteen consecutive days. For each set of temporary license plates, the Commissioner shall charge a fee of twenty-five dollars for the first set and two dollars for each additional set. The Commissioner's written authorization for use of any set of license plates issued under this subdivision shall be kept in the vehicle on which the license plates are displayed until expiration of the authorization.

2. That §§ 46.2-725.1 and 46.2-729 of the Code of Virginia are repealed.