

LD0672845

HOUSE BILL NO. 1795

House Amendments in [] — February 5, 1995

A *BILL to amend and reenact §§ 38.2-1902, 38.2-2217.1, 56-273, 56-274, 56-274.1, 56-275.01, 56-276, 56-279.1, 56-281, 56-282, 56-288, 56-291.3:3, 56-291.9, 56-291.11, 56-291.13, 56-292, 56-293.1, 56-294, 56-298, 56-300, 56-303, 56-304, 56-304.1, 56-304.2, 56-304.3 through 56-304.9, 56-304.11, 56-304.12, 56-304.15, 56-304.16, 56-309 through 56-312, 56-314, 56-316, 56-318, 56-319, 56-320, 56-324.1, 56-325, 56-329, 56-334, 56-335, 56-338.2, 56-338.7, 56-338.12, 56-338.15, 56-338.41:1, 56-338.62, 56-338.101, 56-338.116, 56-338.120, 58.1-2700, [58.1-2701,] 58.1-2702, 58.1-2705 and 58.1-2706 of the Code of Virginia and to repeal §§ 56-284, 56-287, 56-287.1, 56-287.2, 56-287.3, 56-289, 56-290, 56-290.1, 56-291, 56-304.2:1, 56-304.13, 56-306, 56-307, 56-321, 56-322 and 56-332; Chapters 12.2 (56-338.19 through 56-338.39) and 12.5 (56-338.65 through 56-338.84) of Title 56, and § 58.1-2707 of the Code of Virginia, relating to motor carrier deregulation; petroleum tank truck carriers; restricted parcel carriers; penalty; effective date provisions.*

Patrons—Woodrum and Heilig; Senator: Colgan

Referred to Committee on Corporations, Insurance and Banking

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1902, 38.2-2217.1, 56-273, 56-274, 56-274.1, 56-275.01, 56-276, 56-279.1, 56-281, 56-282, 56-288, 56-291.3:3, 56-291.9, 56-291.11, 56-291.13, 56-292, 56-293.1, 56-294, 56-298, 56-300, 56-303, 56-304, 56-304.1, 56-304.2, 56-304.3 through 56-304.9, 56-304.11, 56-304.12, 56-304.15, 56-304.16, 56-309 through 56-312, 56-314, 56-316, 56-318, 56-319, 56-320, 56-324.1, 56-325, 56-329, 56-334, 56-335, 56-338.2, 56-338.7, 56-338.12, 56-338.15, 56-338.41:1, 56-338.62, 56-338.101, 56-338.116, 56-338.120, 58.1-2700, [58.1-2701,] 58.1-2702, 58.1-2705 and 58.1-2706 of the Code of Virginia are amended and reenacted as follows:

§ 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 pursuant to § 56-299 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

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60 and doing business only in this Commonwealth, or (ii) by any mutual insurance company or association
61 organized under the laws of this Commonwealth, conducting business only in this Commonwealth, and
62 issuing only policies providing for perpetual insurance.

63 § 38.2-2217.1. Insurers required to renew motor vehicle liability coverage for vanpools; exceptions.

64 A. As used in this section, "vanpooling" means the type of joint arrangement as defined in
65 subdivision (40) 10 of § 56-274 and where such motor vehicles are used to transport commuters to and
66 from their places of employment on a regular basis. "Motor vehicle" as used in this section shall mean
67 any motor vehicle designed to transport not less than ten nor more than fifteen passengers in fixed seats.

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

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

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

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

80 § 56-273. Definitions.

81 Whenever used in this chapter unless expressly stated otherwise:

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

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

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

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

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

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

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

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

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

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

118 ~~The term~~ "Certificate" means a certificate of public convenience and necessity issued by the State
119 Corporation Commission to common carriers by motor vehicle, *household goods carriers* and restricted
120 common carriers by motor vehicle under this chapter authorizing the transportation of passengers or
121 ~~property, or both household goods~~, 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 "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 "warrant" means the warrant issued by the Commission for each motor vehicle under this chapter.

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

"Registration card" means a card issued to the owner or operator of any vehicle operated under the provisions of this chapter or Chapters 12.1 (§ 56-338.1 et seq.), 12.3 (56-338.40 et seq.), 12.4 (§56-338.50 et seq.) and 12.8 (§ 56-338.104 et seq.) of Title 56 or issued in accordance with the International Fuel Tax Agreement.

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

"Registration receipt" means any receipt issued pursuant to 49 CFR 1023 evidencing that the carrier has the required insurance and paid the requisite fees to the Commonwealth.

"Route," 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 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 "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.

§ 56-274. Vehicles excluded from operation of chapter.

This chapter shall not be construed to include:

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

(2) 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 city, town or county 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 § 56-299 unless evidence can be shown the Commission that the operator is a self-insurer under an ordinance of the city or an ordinance of the 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) 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) 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) 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 Commission a permit, and the necessary warrant for each vehicle so operated, neither of which shall be issued by the Commission unless the applicant shall furnish the Commission at the time the application is made, with a statement in writing signed by the applicant setting forth the name and location of the factories, plants, offices or other places of like nature to and from which the applicant proposes to operate, and that such applicant will transport only bona fide employees of such factories, plants, offices or like places to and from work, which permit shall be subject to revocation or suspension and the holder thereof subject to the imposition of penalties by the Commission for any of the causes and in the manner and to the extent provided for by § 56-297. Any permit issued by the Commission 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) 6. Motor vehicles controlled and operated by a bona fide cooperative association as defined in the Federal Marketing Act, approved June 15, 1929, as amended, or organized or existing under Chapter 3, Article 2 (§ 13.1-312 et seq.) of Title 13.1, while used exclusively in the conduct of the business of such association;

(7) 7. Motor vehicles while used exclusively in carrying water, livestock, poultry, poultry products,

183 buttermilk, fresh milk and cream, meats, butter and cheese produced on the farm, fish (including
184 shellfish), slate, horticultural or agricultural commodities (not including manufactured products thereof),
185 and forest products, including lumber and staves (but not including manufactured products thereof), or in
186 the transportation of farm supplies being delivered to a farm or farms;

187 (8) 8. Motor vehicles while used exclusively in the distribution of newspapers;

188 (9) 9. Motor vehicles while engaged in hauling for the Department of Transportation;

189 (10) 10. Any motor vehicle while transporting not more than fifteen passengers in addition to the
190 driver, if the driver and the passengers are engaged in a share-the-ride undertaking and if they share not
191 more than the expenses of operation of the vehicle. Regular payments toward a capital recovery fund or
192 used to pay for leasing the vehicle are to be considered eligible expenses of operation;

193 (11) 11. Motor vehicles while used exclusively in the transportation of passengers or property within
194 the corporate limits of incorporated cities or towns, and motor vehicles used exclusively in the regular
195 transportation of passengers within the boundaries of such cities or towns and adjacent counties where
196 such vehicles are being operated by such county or pursuant to a contract with the board of supervisors
197 of such county;

198 (12) 12. Motor vehicles while used exclusively in carrying fertilizer to any warehouse or warehouses
199 for subsequent distribution to a local area farm or farms;

200 (13) 13. Motor vehicles while used exclusively in transporting bona fide domestic help and laborers
201 from any county in which they reside and shown by the 1960 United States census to have had a
202 population of fewer than 163,000 to and from their places of accustomed employment in any county
203 shown by the 1960 United States census to have had a population in excess of 163,000, when adequate
204 common carrier service for the class of persons to be transported is not available or provided; provided,
205 that such service is limited to one vehicle and one operator. The operator of such vehicle shall first
206 secure from the Commission a permit, and the necessary ~~warrant~~ *registration card and decal* for the
207 vehicle so operated, neither of which permit nor ~~warrant~~ *registration card or decal* shall be issued by
208 the Commission unless the applicant shall furnish the Commission at the time application is made, with
209 a statement in writing signed by the applicant setting forth the names of the persons to be transported,
210 and that such applicant will transport only the persons named or added from time to time to and from
211 work, which permit shall be subject to revocation or suspension and the holder thereof subject to the
212 imposition of penalties by the Commission for any of the causes and in the manner and to the extent
213 provided for by § 56-297;

214 (14) 14. Motor vehicles while used exclusively in collecting and disposing of trash, garbage and
215 other refuse;

216 (15) 15. Minibuses controlled and operated by a bona fide nonprofit corporation organized or
217 existing under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1, or by a tax-exempt organization as defined
218 in §§ 501 (c) (3) and 501 (c) (4) of the United States Internal Revenue Code, as from time to time
219 amended, while used exclusively in the transportation, for hire, for compensation, or otherwise, of
220 members of such organization if it is a membership corporation, or of elderly, handicapped or
221 economically disadvantaged members of the community served by such organization if it is not a
222 membership corporation. Such minibuses shall not be operated over the same or an adjacent route and
223 on a similar schedule as a holder of a certificate of public convenience and necessity or as a public
224 transportation authority. Each operator of a minibus hereby excluded shall be issued an ~~exemption card~~
225 ~~and classification plate~~ *a registration card and decal* under § 56-304 and shall file insurance as required
226 under § 56-299 unless evidence can be shown the Commission that the operator is a self-insurer under
227 an ordinance of the city or an ordinance of the county where the registered office of the operator is
228 located. Failure to keep insurance in force shall subject the operator to cancellation of its ~~exemption card~~
229 ~~and withdrawal of its classification plate~~ *registration card and decal*;

230 (16) 16. Motor vehicles while operated under the exclusive regulatory control of a transportation
231 district commission acting pursuant to Chapter 32 (§ 15.1-1342 et seq.) of Title 15.1;

232 (17) 17. Ambulances controlled and operated in accordance with Article 5 (§ 32.1-148 et seq.) of
233 Chapter 5 of Title 32.1 and, further, each operator of an ambulance is exempted from the provisions of
234 Article 8 (§ 56-304 et seq.) of this chapter;

235 (18) 18. One insured vehicle which is owned by a person as defined in § 56-273 and which is more
236 than fifty years old, when operated during the daytime on trips returning to the point of origin;

237 (19) 19. Motor vehicles used for the transportation of passengers by nonprofit, nonstock corporations
238 funded solely by federal, state or local subsidies, the use of which motor vehicles ~~are~~ *is* restricted as to
239 regular and irregular routes to contracts with four or more counties and, at the commencement of the
240 operation, no certificated carrier provides the same or similar services within such counties;

241 20. Motor vehicles used for transporting property by an air carrier or carrier affiliated with a direct
242 air carrier whether or not such property has had or will have a prior or subsequent air movement.

243 § 56-274.1. Section 56-274 not to exempt from requirements of Article 8 of chapter.

244 The provisions of § 56-274, except ~~paragraph (18)~~ *subdivision 18*, shall not be construed to exempt

any person or any vehicle from the requirements of Article 8 (§ 56-304 et seq.) of this chapter relating to exemption cards, classification plates, registration cards and identification markers *decals*.

§ 56-275.01. Filing fees generally.

Notwithstanding the provisions of Chapters 12 (§ 56-273 et seq.) through 12.5 (§ 56-338.65 et seq.) 12.8 (§ 56-338.104 et seq.) and Chapter 14.1 (§ 56-457.1 et seq.) of Title 56, all filing fees collected by the Commission for the issuance or transfer, if applicable, of any certificate, license, permit, identification marker, classification plate, stamp, warrant, registration receipt, registration card, exemption card and decal pursuant to those chapters shall be deposited into a special fund to be administered by the Commission. All fees collected shall be used for the purpose of defraying the expenses of administering the provisions of Chapters 12 (§ 56-273 et seq.) through 12.5 (§ 56-338.65 et seq.) 12.8 (§ 56-338.104 et seq.) and Chapter 14.1 (§ 56-457.1 et seq.) of Title 56, and Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1.

§ 56-276. Regulation by Commission; reports; prevention of discrimination; regulation of leasing of motor vehicles.

The Commission shall supervise, regulate and control all ~~motor~~ common carriers by motor vehicle and restricted common carriers by motor vehicle not herein exempted, doing business in this Commonwealth, and all matters relating to the performance of their public duties and their charges therefor, and shall correct abuses therein by such ~~motor~~ carriers; and to that end the Commission shall, from time to time, prescribe reasonable rules, regulations, forms and reports for such ~~motor~~ carriers in furtherance of the administration and operation of this chapter; and the Commission shall have the right at all times to require from such ~~motor~~ carriers special reports and statements, under oath, concerning their business.

The Commission 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 ~~motor~~ 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 ~~motor~~ carrier; and the Commission shall administer and enforce all provisions of this chapter, and prescribe reasonable rules, regulations and procedure looking to that end; provided, however, that the Commission shall not have the power to regulate or control the rates and charges of contract carriers by motor vehicle and it shall not require any reports from such carriers with respect thereto.

The Commission 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 Commission's regulatory powers. This power of the Commission to regulate leasing shall not be limited to those motor carriers of property doing business in this State but shall include all persons not otherwise exempted who are operating motor vehicles on any highway in Virginia.

§ 56-279.1. 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 the application, deposit with the Commission as a filing fee ~~the a sum of fifty dollars, and for the transfer of any such certificate the sum of fifty dollars, and for approval of a lease the sum of five dollars (to be paid by the lessee) and for the issuance of a duplicate certificate the sum of three dollars.~~ Such fees shall be paid for the purpose of defraying the expenses of administering the provisions of law with respect to the issuance of such certificates to be set by the Commission. An annual fee shall be imposed for all authority required under this chapter. The amount of the filing fees, annual fee and the date of payment 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 the chapter.

§ 56-281. 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 and until it shall be proved to the satisfaction of the Commission 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 Commission shall be of 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, commercial zone operation within the terminal area of a city or town by two or more motor carriers of property shall not be deemed to be operation by them over the same route. Commercial zone operation shall mean picking up property for transportation by the carrier over its certificated route from beyond the terminal area or delivering property it has transported over its certificated route from beyond such area. The terminal area of a city or town shall include that area within and adjacent to a city or town served by a carrier pursuant to his certificate embraced within 1 or more of the following limits: (a) the corporate boundaries of the city or town; (b) all points within 2 1/2 miles of the post office in such community, if it has a population of less than 2,500; within 4 miles of

the corporate limits, if the municipality has a population of 2,500, but less than 25,000; and within 5 1/2 miles of the corporate limits if it has a population of 25,000 or more; and (c) all points in any municipality, any part of which is within the limits described in (b) above.

For the purpose of this section, the transportation of passengers by an urban-suburban bus line which is 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.

For the purpose of this section, the delivery of merchandise to and the pickup of merchandise from the residence of customers of retail stores residing within 7 1/2 miles of the corporate limits of a city or town or within a county totally surrounding such city by a person operating exclusively a parcel delivery service for delivery and pickup of merchandise for retail stores situated within the city or town or within a county totally surrounding such city; shall not be deemed an operation over the route of a holder of a certificate authorizing operation as a common carrier of property for the general public for compensation, but such operation of parcel delivery and pickup service shall be deemed the operation of a restricted common carrier by motor vehicle subject to the jurisdiction of the State Corporation Commission.

Provided however, that nothing herein contained shall be construed to grant authority to any such person to deliver or pick up merchandise more than 7 1/2 miles from the point of origin.

§ 56-282. Considerations for determination of issuance of certificate.

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

§ 56-288. Permits required for motor carriers of property.

No person shall operate or engage in the business of a ~~contract~~ *motor carrier of property*, except as herein provided, by motor vehicle intrastate on any highway within the Commonwealth unless such person has secured from the Commission a permit authorizing him to conduct such operation or to engage in such business; ~~provided, however, that the Commission before the issuance of such a permit to carriers of commodities other than in bulk, property shall determine the applicant's fitness, willingness and ability to perform the services of a contract carrier whether or not the applicant meets financial responsibility relating to insurance requirements [and is operating and maintaining its vehicles in an acceptable manner as to meet all state and federal requirements relating to safety. However, no such permit shall be issued until the carrier certifies on the permit application that it is in compliance with all federal and state safety requirements] .~~

§ 56-291.3:3. 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 article shall not be construed to apply to common carriers of persons or property operating as public carriers by authority of the State Corporation Commission or under a franchise granted by any county, city or town.

§ 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 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.

§ 56-292. When broker's license required.

No person shall for compensation sell or offer for sale transportation subject to this chapter (other than transportation governed by §§ 56-291.3:1 through 56-291.3:5 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 Commission to engage in such transactions; provided, that 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, or with a common carrier by railroad, express or water.

§ 56-293.1. 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 Commission as a filing fee the sum of fifty dollars, and for the transfer of any such license the sum of fifty dollars, said fee to be paid for the purpose of defraying the expense to be set by the Commission. An annual fee shall be imposed for all licenses required by this chapter. Revenues from such fees shall be used to defray the reasonable expenses of administering the provisions of law with respect to the issuance of such licenses this chapter.

§ 56-294. Hearing on such application and action thereon.

Upon the filing of an application for a broker's license the Commission may fix a time and place for the hearing of the application and require such notices, publication, or other service as may in its judgment be necessary such requirements as it deems necessary to inquire into the application. If the Commission finds the application proper and in the public interest it shall issue a license, subject to such terms, limitations and restrictions as the Commission may deem proper.

§ 56-298. Transfer or lease of certificate or license.

Any certificate, permit, or license issued under this chapter, other than under §§ 56-291.3:1 through 56-291.3:5, may be transferred or leased, subject to the approval of the Commission, and under such reasonable rules and regulations as may be prescribed by the Commission. An application for such approval shall be made jointly by the transferor and transferee, or lessor or lessee.

§ 56-300. Bonds or insurance to be kept in force; amounts.

Each holder of a certificate or permit or license issued by the Commission shall keep in force at all times insurance, bond or bonds, in an amount required by the Commission; provided, however, that the amount of the insurance policy or bond required by the Commission under this section of any motor vehicle used in the transportation of property alone and/or passengers shall in no case exceed the following: \$100,000 for death or injury to any 1 person; \$500,000 total public liability for any 1 accident; property damage, \$50,000; and cargo liability \$10,000; provided, however, that those limits required by the United States Department of Transportation and the Interstate Commerce Commission, nor shall a holder of a permit issued by the Commission engaged exclusively in the transportation of commodities in bulk shall not be required to file any cargo insurance bond or bonds for cargo liability.

§ 56-303. Effect of failure to give security; penalty.

Failure of any holder of a certificate or permit issued by and under the authority of the Commission to comply with any of the requirements of §§ 56-299, 56-300, or § 56-301 shall be cause for the revocation or suspension of the certificate or permit, or a fine not exceeding \$1,000 \$2,500.

§ 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

429 *registration card and decal* shall be issued for each vehicle that is exempt under § 56-274 unless all the
430 operations of the vehicle are exempt from the road taxes imposed by Chapter 27 (§ 58.1-2700 et seq.) of
431 Title 58.1. A ~~classification plate decal and registration card~~ shall be issued for each vehicle, indicating
432 the purpose for which the vehicle may lawfully be operated; ~~and having on it the same number that~~
433 ~~appears on the warrant or exemption card issued for the vehicle.~~ At all times the ~~classification plate~~
434 ~~decal~~ shall be displayed on the vehicle and the ~~warrant or exemption registration~~ card carried in the
435 vehicle. ~~Stamps or Decals, registration cards, and registration receipts~~ shall be issued to motor carriers
436 holding authority from the Interstate Commerce Commission as the Commission may prescribe.

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

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

441 § 56-304.1. Registration cards, decals and registration receipts.

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

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

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

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

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

460 § 56-304.2. Private carriers.

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

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

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

472 § 56-304.3. Numbers in lieu of decals.

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

480 § 56-304.4. Fees.

481 For issuing each ~~warrant, each exemption card and each decal~~, registration card ~~and registration~~
482 ~~receipt~~ for a vehicle engaged in the transportation of passengers, the Commission shall collect from the
483 applicant a fee to be set by the Commission not exceeding three dollars. For issuing each ~~warrant, each~~
484 ~~exemption card, each decal~~, registration card and each ~~stamp registration receipt~~ for a vehicle engaged
485 in the transportation of property, the Commission shall collect from the applicant a fee of ten dollars.
486 These fees shall defray the cost of administering and enforcing the provisions of this article and Chapter
487 27 (§ 58.1-2700 et seq.) of Title 58.1. Any excess over such cost of administration shall be paid into the
488 highway maintenance and construction fund and used for the maintenance and construction of highways.

489 § 56-304.5. Payment of road taxes and income taxes.

490 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 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 4~~ *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~~

552 plate, identification marker, stamp decal, registration card or registration receipt, or assigned number
553 which has not been issued to the owner or operator thereof for such vehicle and any person who
554 knowingly assists him to do so shall be guilty of a Class 3 misdemeanor.

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

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

565 § 56-304.12. Offenses punishable by the State Corporation Commission.

566 The Commission may, by judgment entered after a hearing on notice duly served on the defendant
567 not less than ten days before the date of the hearing, if it be proved that the defendant made any
568 misrepresentation of a material fact to obtain a warrant, exemption card, registration card or stamp
569 registration receipt, decal, has made any improper use of any warrant, exemption card, registration card,
570 stamp, classification plate, identification marker registration receipt decal or identifying number, is
571 found to be operating contrary to the provisions of § 56-304.6:1 or § 56-304.6:2, has violated any law of
572 this Commonwealth regulating the operation of motor vehicles for compensation on the highways of this
573 Commonwealth, has failed to make any report required by the Commission, has failed to pay any fee or
574 tax properly assessed against him or has failed to comply with any lawful order, rule or regulation of
575 the Commission, impose a penalty, not exceeding \$1,000 \$2,500, which shall be collectible by the
576 process of the Commission as provided by law.

577 In addition to imposing such penalty, or without imposing such penalty, the Commission may, in any
578 such case, suspend or revoke any warrant, exemption card, registration card, stamp, classification plate,
579 identification marker registration receipt, decal or identifying number issued pursuant to this article.

580 If, in any such case, it appears that the defendant owes any fee or tax to the Commonwealth, the
581 Commission shall enter judgment therefor.

582 In addition to any penalty imposed under this section, the Commission may impose an administrative
583 fee in an amount to be set by the Commission, not to exceed fifty dollars. This administrative fee is to
584 be deposited into the special fund described in § 56-275.01.

585 § 56-304.15. Participation in federal programs; regulations.

586 A. The Commission may promulgate regulations implementing the requirements of any program
587 established under federal law intended to accomplish objectives similar to those provided in this article
588 chapter.

589 B. The Commission shall annually advise the standing committees of the General Assembly with
590 jurisdiction over motor carriers, of any programs implemented, and corresponding regulations adopted,
591 pursuant to subsection A.

592 § 56-304.16. Vehicle seizure; penalty.

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

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

602 C. When informed that the right to operate the vehicle has been denied, the driver shall drive the
603 vehicle to a nearby location off the public highways and not move it or allow it to be moved until the
604 judgment or penalty has been satisfied. Failure by the driver to comply with this provision shall
605 constitute a Class 4 3 misdemeanor.

606 § 56-309. Complaints; action of Commission thereon or on own initiative.

607 Any person, state board, organization, or body politic may make complaint in writing to the
608 Commission that any rate, fare, charge, classification, rule, regulation, or practice of any common carrier
609 or restricted common carrier by motor vehicle, in effect or proposed to be put into effect, is or will be
610 in violation of §§ 56-305 to 56-308, or §§ 56-316 to 56-319. Whenever, after hearing, upon complaint or
611 in an investigation on its own initiative, the Commission shall be of the opinion that any individual or
612 joint rate, fare, or charge, demanded, charged, or collected by any common or restricted common carrier
613 by motor vehicle or by any common or restricted common carrier by motor vehicle in conjunction with

any common carrier by railroad, ~~air, express, and/or~~ 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.

§ 56-310. Establishment of through routes, etc., by Commission.

The Commission shall, whenever deemed by it to be necessary or desirable in the public interest, after hearing, upon complaint or upon its own initiative without a complaint, establish through routes, and joint rates, fares, charges, regulations, or practices, applicable to the transportation of passengers by common ~~or restricted common~~ carriers by motor vehicle, or the maxima or minima, or maxima and minima, to be charged, and the terms and conditions under which such through routes shall be operated.

§ 56-311. Prescribing divisions of joint rates.

Whenever, after hearing, upon complaint or upon its own initiative, the Commission is of opinion that the divisions of joint rates, fares, or charges, applicable to the transportation of passengers ~~or property~~ by common or restricted common carriers by motor vehicle or by such carriers in conjunction with common carriers by railroad, air, ~~express, and/or~~ water are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers, parties thereto (whether agreed upon by such carriers, or any of them, or otherwise established), the Commission shall by order prescribe the just, reasonable, and equitable divisions thereof to be received by the several carriers. In cases where the joint rate, fare, or charge was established pursuant to a finding or order of the Commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable, or unduly preferential or prejudicial, the Commission may also by order determine what would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers, and require adjustment to be made in accordance therewith. The order of the Commission may require the adjustment of divisions between the carriers, in accordance with the order, from the date of filing the complaint or entry of order of investigation or such other date subsequent as the Commission finds justified and, in the case of joint rates prescribed by the Commission, the order as to divisions may be made effective as a part of the original order.

§ 56-312. New rate schedule; hearing; suspension; action thereon.

Whenever there shall be filed with the Commission any schedule stating a new individual or joint rate, fare, charge, or classification for the transportation of passengers ~~or property~~ by a common or restricted common carrier or carriers by motor vehicle, or by any such carrier or carriers in conjunction with a common carrier or carriers by railroad, air, ~~express, and/or~~ water, or any rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Commission, upon complaint of any interested party or upon its own initiative, if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, may enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such rule, regulation, or practice.

Pending such hearing and the decision thereon the Commission, by filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, fare, or charge, or such rule, regulation, or practice, for a period of ~~90~~ ninety days and if the proceeding has not been concluded and a final order made within such period the Commission may, from time to time, extend the period of suspension by order, but not for a longer period in the aggregate than 180 days beyond the time when such rate, fare, charge, rule, regulation or practice would otherwise go into effect.

After such hearing, whether completed before or after the rate, fare, charge, classification, rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of rate, fare or charge, or classification, rule, regulation, or practice, shall go into effect at the end of such period.

§ 56-314. Criteria for establishment of rates.

In the exercise of its power to prescribe just and reasonable rates for the transportation of passengers ~~or property~~ by common or restricted common carriers by motor vehicle, the Commission shall give due consideration, among other factors, to the inherent advantages of transportation by such carriers; to the effect of rates upon the movement of traffic by such carriers; to the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the need of such carriers for revenues sufficient to enable them, under honest, economical, and efficient management, to provide such service.

§ 56-316. Tariffs showing rates, fares and charges, etc.

Every common carrier and restricted common carrier by motor vehicle shall file with the Commission, 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 ~~or property~~ 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, ~~express~~ 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 Commission by regulations shall prescribe; and the Commission 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 Commission shall be void and its use shall be unlawful.

§ 56-318. 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 ~~thirty days'~~ *reasonable* notice of the proposed change, filed and posted in accordance with § 56-316. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Commission 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.

§ 56-319. 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 ~~or property~~ 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.

§ 56-320. 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, but nothing in this section shall apply ~~(1) to the carriage, storage or handling of property free or at reduced rates, when such rates have been authorized or prescribed by the Commission for the United States, state or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or (2) (i) to the free carriage of homeless and destitute persons and the necessary agents employed in such transportation, or (3) (ii) to mileage, excursion or commutation passenger tickets, or (4) to persons in charge of livestock being shipped from the point of shipment to the point of destination and return.~~

Nor shall anything in this section be construed to prohibit any motor carrier from ~~(4) : (i) 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 disabled soldiers and sailors, including those about to enter, and those returning home after discharge; nor (2) from (ii) giving free carriage to its own officers, employees, and members of their families, representatives of the press and members of the Department of State Highway 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 Commission shall have authority to establish differential rates according to the time of day and for groupings of passenger classes.

§ 56-324.1. Motor bus operators, etc., to be conservators of the peace.

The operators of motor buses operated as common carriers of ~~persons~~ *passengers*, and station and depot agents, shall be conservators of the peace, and they and each of them 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, and the said 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.

§ 56-325. Waiting rooms and other public facilities.

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

§ 56-329. 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; ~~and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars for each offense.~~ 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 shall 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.

§ 56-334. Enforcement of motor vehicle laws; appointment, powers and duties, and defense of agents, inspectors and investigators; powers of officers of Department of State Police.

A. The Commission may appoint such agents, inspectors or investigators as it may deem necessary and such agents, inspectors or investigators and officers of the Department of State Police shall have the authority and powers of a sheriff to enforce the laws and regulations governing the operation of motor vehicles on the highways of the Commonwealth. Such agents, inspectors or investigators and officers of the Department of State Police shall have jurisdiction throughout the Commonwealth and are given authority upon displaying badge or other credential of office to arrest any person found in the act of violating any of the laws and regulations governing the operation of motor vehicles which the Commission is required to administer. They are hereby given authority to stop motor vehicles for such purposes. Such agents, inspectors or investigators also are hereby given the authority to stop any vehicle which they reasonably believe to be subject to the regulation of Title 56 for an observed violation of any of the provisions of Title 46.2. However, after having stopped the motor vehicle, the agent, inspector or investigator may exercise the power of arrest in any criminal violation coming to his attention, and may issue a summons for violations of Title 46.2.

B. Agents, inspectors or investigators of the Commission and officers of the Department of State Police may stop, and if found necessary examine the lading of any motor vehicle, trailer or semitrailer operating on any highway of this Commonwealth and may also examine all documents relating to such lading, motor vehicle, trailer, semitrailer or operation thereof for the purpose of determining that it is operating in accordance with the laws and regulations governing the operation of motor vehicles which the Commission is required to administer.

C. Any agent, inspector or investigator or officer of the Department of State Police is given the authority to remove from any motor vehicle or to secure from any person to whom issued any ~~warrant, exemption card, registration card, tag, plate decal, registration card, or registration receipt~~ or other evidence of authority to operate such motor vehicle issued by the Commission which is being improperly used or which has been properly suspended or canceled. Any person refusing to surrender any ~~warrant, exemption card decal, registration card, tag, plate or registration receipt~~ or other evidence of authority shall be guilty of a Class 1 misdemeanor, and subject to the penalties provided in § 56-335.

D. Any agent, inspector or investigator or state police officer shall have the authority to issue a summons and accept a written promise to appear in like manner as is provided in § 46.2-936. The penalty for the violation of such promise shall be as therein provided.

E. No agent, inspector or investigator appointed by the Commission shall receive any compensation from any source other than through the Commission unless approved by the Commission.

F. The Commission or any agent, inspector or investigator may request the assistance of any state police officer in the enforcement of the laws, rules and regulations governing the operation of motor vehicles on the highways of the Commonwealth which the Commission is required to administer and any agent, inspector or investigator shall assist any state police officer when his services are requested.

G. Every agent, inspector or investigator shall, before entering upon or continuing in his duties, enter into bond with some solvent guaranty company authorized to do business in this Commonwealth as surety, in the penalty of \$6,000 and with the condition for the faithful and lawful performance of his duties. Such bond shall be filed in the Commission's office and the premiums thereon shall be paid out of the fund appropriated for the enforcement of the laws regulating the operation of motor vehicles on the highways of the Commonwealth. All persons injured or damaged in any manner by the unlawful, negligent or improper conduct of any such officer while on duty may maintain an action upon such bond; however, the aggregate liability of his surety to all such persons shall in no event exceed the penalty of such bond.

H. If any such agent, inspector or investigator shall be arrested or indicted or otherwise prosecuted on any charge arising out of any act committed in the discharge of his official duties, the Commission may employ special counsel approved by the Attorney General to defend such agent, inspector or investigator. The compensation for special counsel employed pursuant to this section shall, subject to the approval of the Attorney General, be paid out of the funds appropriated for the administration of the

798 Virginia motor carrier laws.

799 I. Nothing in this section shall be considered as restricting or limiting in any way the powers,
800 authority and duties of the State Police.

801 § 56-335. Violation; penalties.

802 (a) A. Any person knowingly and willfully violating any provision of this chapter, or any rule,
803 regulation, requirement, or order thereunder, or any term or condition of any certificate, permit, or
804 license, for which a penalty is not otherwise herein provided, shall, upon conviction thereof, be fined not
805 more than ~~\$1,000~~ \$2,500 for the first offense and not more than \$5,000 for any subsequent offense.
806 Each day of such violation shall constitute a separate offense.

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

818 (c) C. Any motor carrier, or broker, or any officer, agent, employee, or representative thereof who
819 shall willfully fail or refuse to make a report to the Commission as required by this chapter or to keep
820 accounts, records, and memoranda in the form and manner approved or prescribed by the Commission,
821 or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record or
822 memorandum, or shall knowingly and willfully file any false report, account, record or memorandum,
823 shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a
824 fine of not less than \$100 and not more than \$5,000.

825 § 56-338.2. Exemptions from chapter.

826 This chapter shall not be construed to apply to any of the following, who or which are hereby
827 declared to be exempt from this chapter.

828 (a) Any common carrier of ~~property~~ by motor vehicle while holding a certificate of public
829 convenience and necessity, as such, issued by the Commission.

830 (b) Motor vehicles owned and operated by the United States, District of Columbia or any state, or
831 any municipality or any other political subdivision of this Commonwealth.

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

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

838 § 56-338.7. Other applicable laws.

839 The provisions of §§ 56-299, 56-300 to 56-304, 56-323, 56-324, 56-331, 56-333, 56-335 and 56-338,
840 with reference to the filing of insurance with the Commission by motor carriers, ~~warrants registration~~
841 for vehicles used by motor carriers, reports, forms and accounts of motor carriers, enforcement of laws
842 applicable to motor carriers, prohibition of rebates and discriminations, and the provisions of §§ 12.1-39
843 through 12.1-42, relating to appeals from orders and judgments of the Commission, to the extent not
844 inconsistent with this chapter, shall be applicable to household goods carriers, as herein defined, and to
845 the regulation thereof.

846 § 56-338.12. Suspension, revocation, etc., of certificate; imposition of penalty.

847 The Commission may at any time, by its order duly entered after hearing had upon notice to the
848 holder of any such certificate and an opportunity to such holder to be heard, at which it shall be proved
849 that such holder has made any misrepresentation of a material fact in obtaining such certificate, or has
850 violated or refused to observe any of the laws of this Commonwealth touching such certificate, or any
851 of the terms, limitations and restrictions of his certificate, or any of the Commission's proper orders,
852 rules or regulations, impose a penalty not exceeding ~~\$1,000~~ \$2,500, which may be collected by the
853 process of the Commission as provided by law; or the Commission may suspend, revoke, alter or amend
854 any such certificate, whenever the Commission finds after a hearing upon notice as above that such
855 certificate holder knowingly misrepresented any material fact in obtaining his certificate, or willfully
856 violated or refused to observe any of the laws of this Commonwealth touching his certificate, or
857 willfully violated or failed to observe any of the proper orders, rules or regulations of the Commission,
858 or any term, condition or limitation of such certificate.

859 Proceedings looking to the imposition of any penalty provided for herein may be commenced upon

the complaint of any person or upon the Commission's own initiative.

§ 56-338.15. Fees for issuance or transfer of certificates.

Every household goods carrier, upon filing with the Commission an application for a certificate, or application for transfer, shall deposit with the Commission as a filing fee ~~the a sum of fifty dollars, and for the transfer of such certificate the sum of fifty dollars, and for the issuance of a duplicate certificate the sum of three dollars, and for the filing of a lease the sum of five dollars; said fees to be paid for the purpose of defraying to be set by the Commission. An annual fee shall be imposed for all certificates required by this chapter. The amount of the application fees and annual fee as well as the date of payment 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 transfer of such certificate this chapter.~~

§ 56-338.41:1. Filing fee.

Every applicant for a certificate or for the transfer of a certificate, upon the filing of an application, shall deposit with the Commission as a filing fee ~~the a sum of fifty dollars, such fee to be paid for the purpose of defraying the expense of administering the provisions of law with respect to the issuance or transfer of such certificates to be set by the Commission. An annual fee shall be imposed for all certificates required by this chapter. The amount of the filing fees and the date of payment 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 this chapter.~~

§ 56-338.62. Fees.

Every person, upon filing with the Commission an application for a certificate or for the transfer of a certificate, shall deposit with the Commission as a filing fee ~~the a sum of fifty dollars for either an "A" or a "B" certificate and the sum of ten dollars for a "C" certificate; and for the issuance of a duplicate certificate the sum of three dollars; such fees are to be paid for the purpose of defraying to be set by the Commission. An annual fee shall be imposed for all certificates required by this chapter. The amount of the application fees, annual fees and the date of payment 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 or transfer of such certificates this chapter.~~

§ 56-338.101. Filing fee; issuance of certificate.

Every applicant for a certificate, upon the filing of an application, shall deposit with the Commission as a filing fee ~~the a sum of \$200, such fee to be paid for the purpose of defraying to be set by the Commission. An annual fee shall be imposed for all certificates required by this chapter. The amount of the application fees, annual fees and the date of payment shall be set by Commission general order or rule. Revenues from such fees shall be used to defray the expense reasonable expenses of administering the provisions of law with respect to the issuance of such certificate this chapter.~~

The Commission 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 Commission.

§ 56-338.116. Imposition of penalties; suspension, revocation, etc., of certificate.

A. The Commission may, after notice and hearing, impose a penalty not to exceed ~~\$1,000~~\$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 Commission 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 Commission's own initiative.

§ 56-338.120. Fees.

A. Pursuant to this chapter, the Commission 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.

B. All fees collected under this section shall be used for the purpose of defraying the expenses with respect to the issuance and transfer of certificates. Every applicant for a certificate and a transfer of a certificate shall deposit with the Commission, as a filing fee, a sum to be set by the Commission. An annual fee shall be imposed for all certificates required by this chapter. The filing fees, annual fee and the date they are due shall be set by Commission general order or rule. Revenues from such fees shall be used to defray the reasonable expenses administering the provisions of this chapter.

§ 58.1-2700. Definitions.

Whenever used in this chapter, the term:

"Commission" means the State Corporation Commission, which is responsible for the administration

921 of this chapter.

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

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

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

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

935 "*Qualified motor vehicle*" means a motor vehicle used, designed, or maintained for the transportation
936 of persons or property and (i) having two axles and a gross vehicle weight or registered gross vehicle
937 weight exceeding 26,000 pounds or 11,797 kilograms; or (ii) having three or more axles regardless of
938 weight or (iii) used in combination, when the weight of such combination exceeds 26,000 pounds or
939 11,797 kilograms gross vehicle weight or registered gross vehicle weight. "*Qualified motor vehicle*" does
940 not include recreational vehicles.

941 [§ 58.1-2701. Amount of tax.

942 Every motor carrier of property shall pay a road tax equivalent to nineteen and one-half cents per
943 gallon calculated on the amount of gasoline or liquefied gases (which would not exist as liquids at a
944 temperature of sixty degrees F. and a pressure of 14.7 pounds per square inch absolute); or other motor
945 fuel used in its operations within the Commonwealth.

946 The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed
947 on a motor carrier by any other provision of law.

948 All taxes paid under the provisions of this chapter shall be credited to the Highway Maintenance and
949 Construction Fund, *provided that an administrative fee of one-half of one cent per gallon of all motor*
950 *fuel used subject to the tax imposed by this chapter shall be retained by the Commission.*]

951 § 58.1-2702. Exemptions and exceptions.

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

- 953 1. A single Virginia-licensed truck operated without compensation;
- 954 2. The first two Virginia-licensed trucks, if used exclusively for farm use as defined in § 46.2-698
955 and if not licensed in any other state;
- 956 3. Motor vehicles regularly engaged in the transportation of passengers;
- 957 4. 3. Tractors, tractor trucks and trucks with more than two axles *Qualified motor vehicles* of a
958 licensed motor vehicle dealer when operated without compensation for purposes incident to a sale or for
959 demonstration; or
- 960 5. 4. Any motor vehicle owned and operated by the United States, the District of Columbia, the
961 Commonwealth of Virginia or any municipality or any other political subdivision of the Commonwealth,
962 or any other state.

963 § 58.1-2705. Reports of carriers.

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

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

975 § 58.1-2706. Credit for payment of motor fuel tax.

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

982 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 succeeding quarters; or (ii) be refunded, upon application ~~within ninety days from the end of any quarter~~ *filed within one year from the end of the quarter in which the credit was accrued*, duly verified, and presented, in accordance with regulations promulgated by the Commission and supported by such evidence as may be satisfactory to the Commission.

C. The Commission may allow a refund upon receipt of proper application and review. It shall be at the discretion of the Commission 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 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, be considered payment or purchases by the carrier.

2. That §§ 56-304, 56-304.1, 56-304.2 and 56-304.7 as amended and reenacted by the first enactment of this act shall be effective until January 1, 1996.

3. That §§ 58.1-2700, 58.1-2701, 56-2702 and 58.1-2705 as amended and reenacted by the first enactment of this act shall become effective on January 1, 1996.

4. That §§ 56-304, 56-304.1, 56-304.2 and 56-304.7 are amended and reenacted as follows:

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

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 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 shall be displayed on the vehicle and the warrant or exemption card carried in the vehicle. Stamps or decals 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. *In addition to the above, it shall be unlawful for any person to operate or cause to be operated for compensation on any highway in this Commonwealth any motor vehicle having (i) two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms or (ii) having three or more axles regardless of weight or 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 unless there has been issued a decal and registration receipt pursuant to the International Fuel Tax Agreement or, if such a permit is not required for the operation of a specific vehicle, it is subject to the road taxes imposed by Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1.*

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

E. 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 motor 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 used, designed, or maintained for the transportation of persons or property and (i) having two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms or (ii) having three or more axles regardless of weight or is used in combination, when the weight of such combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle weight or registered gross vehicle~~

1044 *weight, unless:*

1045 1. There has been issued by the Commission to the owner or operator of the vehicle a registration
1046 card and an identification marker, when in the opinion of the Commission a marker should be issued;
1047 for each vehicle so operated. At all times the registration card shall be carried in the vehicle for which it
1048 is issued. The marker, when issued, shall have on it the same number that appears on the registration
1049 card and shall at all times be displayed on the vehicle; or *other qualified jurisdiction pursuant to the*
1050 *International Fuel Tax Agreement a decal and registration card for each vehicle so operated by the*
1051 *owner or operator.*

1052 2. There has been issued by the Commission to the owner or operator of the vehicle a stamp, when
1053 in the opinion of the Commission a stamp should be issued for each vehicle so operated. At all times
1054 the stamp shall be carried in the vehicle and affixed to an appropriate registration card that properly
1055 describes the operator of the vehicle and the vehicle in which it is carried *If a vehicle covered by this*
1056 *section is engaged in the transportation of a commodity regulated by the Interstate Commerce*
1057 *Commission there has been issued a registration receipt pursuant to 49 CFR 1023.*

1058 B. The Commission's decision that a vehicle is or is not required by law to display license plates
1059 issued by the Department of Motor Vehicles shall be binding on the Department and on the trial courts.

1060 C. The Commission shall have the authority to waive the requirements of this section for vehicles
1061 under emergency conditions.

1062 § 56-304.2. Private carriers.

1063 A. It shall be unlawful for any person to operate or cause to be operated for the transportation not
1064 for compensation of property or passengers on any highway in this Commonwealth, any road tractor, or
1065 any tractor truck, or any truck having more than (i) two axles and a gross vehicle weight or registered
1066 gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms or (ii) three or more axles
1067 regardless of weight or is used in combination, when the weight of such combination exceeds 26,000
1068 pounds or 11,797 kilograms gross vehicle or registered gross vehicle weight, unless there has been
1069 issued by the Commission to the owner or the operator of the vehicle a registration card and an
1070 identification marker decal pursuant to the International Fuel Tax Agreement for each vehicle so
1071 operated. At all times the registration card decal shall be carried in the vehicle for which it was issued.
1072 The marker shall have on it the same number that appears on the registration card and shall at all times
1073 be displayed on and the registration card carried in the vehicle.

1074 B. The provisions of this section shall not be applicable to farm motor vehicles which are not subject
1075 to the provisions of Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 or to recreational vehicles.

1076 C. The Commission shall have the authority to waive the requirements of this section for vehicles
1077 under emergency conditions.

1078 § 56-304.7. Expiration dates.

1079 Every warrant, exemption card and classification plate decal, registration card and permit required to
1080 be issued by the Commission for a vehicle engaged in intrastate transportation of passengers or
1081 property shall expire on April 15 following January 1 following the date on which it was issued of each
1082 year.

1083 Every decal and registration card and identification marker issued by the Commission shall expire on
1084 June 30 following January 1 following the date on which it was issued pursuant to the International
1085 Fuel Tax Agreement shall expire on December 31 of each year.

1086 Every registration receipt expires December 31 of each year.

1087 Every stamp issued by the Commission shall expire on February 1 following October 1 following the
1088 date on which it was issued.

1089 5. That §§ 56-304, 56-304.1, 56-304.2 and 56-304.7 as amended and reenacted by the fourth
1090 enactment of this act shall become effective on January 1, 1996.

1091 6. That §§ 56-284, 56-287, 56-287.1, 56-287.2, 56-287.3, 56-289, 56-290, 56-290.1, 56-291, 56-304.2:1,
1092 56-306, 56-307, 56-321, 56-322, 56-332; and Chapters 12.2 (§§ 56-338.19 through 56-338.39) and
1093 12.5 (§§ 56-338.65 through 56-338.84) of Title 56 of the Code of Virginia are repealed effective
1094 July 1, 1995.

1095 7. That §§ 56-304.13 and 58.1-2707 of the Code of Virginia are repealed effective January 1, 1996.