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HOUSE BILL NO. 856

Offered January 25, 1994

A BILL to amend the Code of Virginia by adding in Article 4.1 of Chapter 32 sections numbered 15.1-1358.01 and 15.1-1358.2:1, relating to the Transportation District Act of 1964.

Patron—Orrock

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4.1 of Chapter 32 sections numbered 15.1-1358.01 and 15.1-1358.2:1 as follows:

§ 15.1-1358.01. Power to tax motor fuels.

A. A transportation district may levy a tax on motor fuel and special fuel at a rate not to exceed \$0.02 per gallon under the following conditions:

1. Such levy is approved in a referendum in every jurisdiction which is a member of the transportation district.

2. The referendum may be initiated either by a resolution of the governing body of the county or city or on the filing of a petition signed by a number of registered voters of the county or city equal in number to ten percent of the number of voters registered in the county or city on January 1 of the year in which the petition is filed with the circuit court of such county or city. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county or city once a week for three consecutive weeks prior to the election. The ballot used shall be printed to read as follows:

"Shall the governing body of (...name of county or city...) have the authority to levy a local tax on motor fuel and special fuel at a rate not to exceed 2 cents per gallon for transportation purposes in accordance with § 15.1-1358.01 of the Code of Virginia?"

[] Yes

[] No"

If the voters by a majority vote approve the authority of the local governing body to levy such tax, the tax may be imposed by the adoption of a resolution of the commission which governs the transportation district. No resolution levying such tax shall be repealed unless and until all debts or other obligations of the transportation district to which such revenues are dedicated or otherwise committed have been paid or provision made for payment.

B. All retail sellers of motor fuel and special fuel used for transportation purposes shall collect and remit such tax to the Department of Motor Vehicles.

C. The Department of Motor Vehicles shall develop a mechanism to account for and redistribute such collections to any transportation district which may impose such tax.

D. No such tax shall be effective until ninety days or more have elapsed since the referendum and resolution approving the tax have passed, and certified copies of the appropriate documentation evidencing passage and approval of same have been forwarded to the Commissioner of the Department of Motor Vehicles.

§ 15.1-1358.2:1. Referendum in certain transportation districts.

In any transportation district providing a commuter rail service which connects with a heavy rail service operator which is governed pursuant to an interstate compact, the following shall apply notwithstanding § 15.1-1358.2. Prior to the issuance of any debt, any member of the transportation district, by a resolution of such member's governing body, may request that the question of debt issuance be the subject of a referendum. In such event, a referendum shall be held in such requesting jurisdiction or jurisdictions, and approved by the voters in each such jurisdiction before debt may be issued.

INTRODUCED

HB856