

LD8456819

SENATE BILL NO. 882

Offered January 20, 1995

A BILL to amend and reenact §§ 46.2-106, 46.2-200, 52-8.4, 58.1-2700, 58.1-2702, 58.1-2705 through 58.1-2709, 58.1-2711, and 58.1-2712 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 6 of Title 46.2 an article numbered 12, consisting of sections numbered 46.2-757 through 46.2-770, and by adding sections numbered 58.1-2700.1, 58.1-2700.2 and 58.1-2712.1, relating to the Reciprocity Board; organization, powers, and duties of the Department of Motor Vehicles; insurance requirements for motor carriers; penalties.

Patrons—Calhoun, Barry, Bell, Benedetti, Chichester, Earley, Hawkins, Maxwell, Miller, K.G., Norment, Potts, Quayle, Robb, Stolle, Stosch, Trumbo, Wampler and Woods; Delegates: Reynolds and Watkins

Referred to the Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-106, 46.2-200, 52-8.4, 58.1-2700, 58.1-2702, 58.1-2705 through 58.1-2709, 58.1-2711, 58.1-2712 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 46.2 an article numbered 12, consisting of sections numbered 46.2-757 through 46.2-770, and by adding sections numbered 58.1-2700.1, 58.1-2700.2, and 58.1-2712.1 as follows:

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

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

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

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

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

§ 46.2-200. Department of Motor Vehicles.

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

The Department shall be responsible for the administration of the motor vehicle license, registration and title laws; the issuance, suspension, and revocation of driver's licenses; the examination of applicants for and holders of driver's licenses; the administration, training, disciplining, and assignment of examiners of applicants for driver's licenses; the administration of the safety responsibility laws, fuel tax laws, the provisions of this title relating to transportation safety, and dealer licensing laws; *the registration of property-carrying motor carriers and vehicles that may be required to be registered under the International Registration Plan or pay road use tax as described under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 under the International Fuels Tax Agreement; the auditing of property-carrying motor carriers for compliance with registration and road tax requirements; and any other services that may be required to create a single point of contact for motor carriers operating*

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60 within and without the Commonwealth.

61 Article 12.

62 Insurance Requirements for Motor Carriers.

63 § 46.2-757. Definitions and application of article.

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

66 "Identification marker" means a decal or other visible identification issued by the Department to
67 show that the operator of the vehicle has registered with the Department for the payment of the road
68 tax imposed under Chapter 27 (58.1-2700 et seq.) of Title 58.1.

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

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

73 B. Unless otherwise clearly indicated, this article shall apply to all motor carriers that have
74 registered with the Department for the payment of motor fuel tax as required under Chapter 27
75 (58.1-2700 et seq.) of Title 58.1 and vehicles that:

76 1. Have two axles and a gross vehicle weight or registered gross weight exceeding 26,000 pounds;

77 2. Have three or more axles, regardless of weight; or

78 3. Are used in a combination whose weight exceeds 26,000 pounds gross weight or registered gross
79 weight.

80 § 46.2-758. Surety bonds, insurance, letter of credit or securities required prior to issuance of
81 registration.

82 A. No registration card or license plate or plates shall be issued by the Department to any vehicle
83 operated by a motor carrier until the motor carrier certifies to the Department that the vehicle is
84 covered by:

85 1. An insurance policy or bond;

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

93 3. An unconditional letter of credit, issued by a bank doing business in Virginia, for an amount
94 approved by the Department. The letter of credit shall be in effect so long as the motor carrier operates
95 motor vehicles in the Commonwealth.

96 B. Each holder of a registration card or identification marker issued by the Department for motor
97 carriers operating in intrastate commerce shall keep in force at all times insurance, bond, or bonds, in
98 an amount required by the Department. The amount of the insurance policy or bond required by the
99 Department under this section of any motor vehicle used in the transportation of property alone shall in
100 no case exceed the following: \$100,000 for death or injury to any one person; \$500,000 total public
101 liability for any one accident; property damage, \$50,000; and cargo liability, \$10,000. Motor carriers
102 engaged exclusively in the transportation of commodities in bulk shall not, however, be required to file
103 any cargo insurance bond or bonds for cargo liability.

104 C. The minimum insurance for motor carriers operating in interstate commerce shall not be less than
105 the minimum required by the Interstate Commerce Commission.

106 § 46.2-759. Policies or surety bonds to be filed with the Department, and securities with State
107 Treasurer.

108 Each holder of a registration card or identification marker issued by the Department shall keep on
109 file with the Department an insurance policy or bond in some insurance company or association or
110 other insurer authorized to transact business in the Commonwealth. Such insurance or bond filed with
111 the Department shall be kept in full force at all times. The policy or bond shall remain in the files of
112 the Department six months after the certificate or permit is canceled for any cause. If federal, state, or
113 municipal bonds are deposited with the State Treasurer in lieu of an insurance policy, the bonds shall
114 remain deposited until six months after the registration or identification marker is canceled for any
115 cause unless otherwise ordered by the Department.

116 § 46.2-760. Condition or obligation of security.

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

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

A. Failure of any holder of a registration card or identification marker issued by and under the authority of the Department to comply with any of the requirements of this article shall be cause for either (i) the revocation or suspension of all registration cards and identification markers or (ii) a fine not exceeding \$1,000.

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

§ 46.2-762. Temporary emergency operation.

In an emergency, the Department may, by letter, telegram, or other means, authorize a vehicle to be operated in the Commonwealth without a proper registration card or identification marker for not more than ten days. Before sending such authorization, the Department shall collect from the owner or operator a fee of twenty dollars for each vehicle to be so operated.

§ 46.2-763. Insurance, decals, and identification markers for leased trucks or tractor trucks.

Every lessor of a truck or tractor truck required to be registered under this article shall comply with the provisions of this article if he either (i) leases it under a written contract for less than thirty days or (ii) leases it under an oral agreement. Every lessor who leases a motor vehicle under a written contract for thirty days or longer shall comply with the provisions of this article in the name of the lessee, as well as the name of the lessor; and no person other than the lessee shall operate or cause to be operated the vehicle on the highways of the Commonwealth.

§ 46-764. Title to plates and markers.

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

§ 46.2-765. Application blanks.

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

§ 46.2-766. Violations declared to be misdemeanors; penalties.

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

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

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

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

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

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

§ 46.2-767. Other offenses; penalties.

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

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

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

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

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

Any such penalty shall be imposed by judgment entered after a hearing. Notice of such hearing shall be served on the defendant not less than ten days before the date of the hearing. Instead of or in addition to imposing such penalty, the Department may suspend, revoke, or cancel any of registration

card or identification marker issued pursuant to this article. If, in any such case, it appears that the defendant owes any fee or tax to the Commonwealth, the Department shall enter judgment therefor.

§ 46.2-768. Participation in federal programs; regulations.

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

§ 46.2-769. Vehicle seizure; penalty.

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

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

§ 46.2-770. Licenses, taxes, etc., not affected.

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

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

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

B. For the purposes of this section:

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

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

3. "Transport vehicle" means any vehicle owned or leased by a motor carrier used in the transportation of goods or persons.

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

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

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

E. Any records required to be maintained by motor carriers pursuant to regulations promulgated by the Superintendent under the authority of subsection A of this section shall be open to inspection during a carrier's normal business hours by specially trained members of the Department of State Police

specifically designated by the Superintendent. Members of the Department of State Police designated for that purpose by the Superintendent shall also be authorized, with the consent of the owner, operator, or agent in charge or with an appropriate warrant obtained under the procedure prescribed in Chapter 24 (§ 19.2-393 et seq.) of Title 19.2, to go upon the property of motor carriers to verify the accuracy of maintenance records by an inspection of the vehicles to which those records relate.

§ 58.1-2700. Definitions.

Whenever used in this chapter, the term:

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

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

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

"Motor carrier" means every person, firm or corporation who owns or operates or causes to be operated on any highway in this the Commonwealth any road tractor, tractor truck, or truck having more than two axles motor vehicle that is used, designed, or maintained for the transportation of property and (i) has two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 or (ii) has three or more axles, regardless of weight, or (iii) is used in a combination whose weight exceeds 26,000 pounds gross vehicle weight or registered gross weight.

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

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

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

§ 58.1-2700.1. Motor carriers to register.

Each motor carrier conducting operations within the Commonwealth shall register with the Department. The application for registration shall contain the name and address of the motor carrier, the type of operation performed by the carrier, and such other information as may be required by the Department.

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

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

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

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

§ 58.1-2700.2. Placement of identification markers.

All motor carriers licensed by the Department shall place the indicia issued by the Department on each vehicle operated by the fleet in the place prescribed by the Department.

§ 58.1-2702. Exemptions and exceptions.

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

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

or any other state.

§ 58.1-2705. Reports of carriers.

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

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

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

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

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

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

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

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

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

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

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

§ 58.1-2708. Inspection of books and records.

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

§ 58.1-2709. Penalties.

A. The ~~Commission~~ Department may, after a hearing had upon notice, duly served not less than ten days prior to the date set for such hearing, impose a penalty, which shall be in addition to any other penalty imposed by this chapter, not exceeding \$2,500, upon any motor carrier violating any provision of this chapter, or failing to comply with any regulation of the ~~Commission~~ Department promulgated pursuant to this chapter. Each such failure or violation shall constitute a separate offense. The penalty shall be collectible by the process of the ~~Commission~~ Department as provided by law § 46.2-203 and subject to the provisions of Chapter 1.1:1 (§ 9-6.1-14.1 et seq.) of Title 9. Any person against whom an order or decision of the Commissioner has been adversely rendered relating to the tax imposed by this

chapter may, within fifteen days of such order or decision, appeal from such an order or decision to the Circuit Court of the City of Richmond. In addition to imposing such penalty, or without imposing any penalty, the ~~Commission Department~~ may suspend or revoke any certificate, permit or other evidence of right issued by the ~~Commission Department~~ which the motor carrier holds.

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

§ 58.1-2711. Assistance of Department of Taxation.

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

§ 58.1-2712. Cooperative agreements between states.

The ~~Commission Department~~ may enter into cooperative agreements with another state or states, for exchange of information and auditing of motor carriers. An agreement, arrangement, declaration or amendment thereto is not effective until stated, in writing, and approved by the ~~Commission Department~~.

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

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

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

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

The legal remedies for any motor carrier served with an order or assessment under this section are as prescribed in Chapter 20 (§ 58.1-2030 et seq) of this title.

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

§ 58.1-2712.1. International Fuel Tax Agreement.

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