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HOUSE BILL NO. 1213

Offered January 22, 1996

A BILL to amend and reenact §§ 46.1-1157, 46.2-1158, 46.2-1161.1, 46.2-1163, 46.2-1167, 46.2-1172, 46.2-1173, and 46.2-1175.1 of the Code of Virginia and to repeal § 46.2-1164 of the Code of Virginia, relating to vehicle safety inspections.

Patrons—Katzen, Callahan and Ruff

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-1157, 46.2-1158, 46.2-1161.1, 46.2-1163, 46.2-1167, 46.2-1172, 46.2-1173, and 46.2-1175.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1157. Requirement of inspection; well-drilling machinery, antique motor vehicle excepted.

The Superintendent may compel, by proclamation of the Governor or otherwise, the owner or operator of any motor vehicle, trailer, or semitrailer registered in Virginia and operated on a highway within this Commonwealth to submit his vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with § 46.2-1158. No owner or operator shall fail to submit a motor vehicle, trailer, or semitrailer operated on the highways in this Commonwealth to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of this title any mechanical defects found by such inspection to exist.

No vehicle subject to the provisions of this article shall be registered or reregistered until it has passed a safety inspection. Any proof of compliance with safety standards and safety inspection requirements for any motor vehicle shall be valid for one year from the end of the month in which it is issued, regardless of any sale or trade of the motor vehicle for which either document was issued during that time. Motor vehicles being titled for the first time from a Manufacturer's Certificate of Origin shall be considered to have valid safety inspection certificates for a period of two years from the month of first titling. The Department of Motor Vehicles may refuse to register or reregister those motor vehicles subject to safety inspection programs set forth in this article if the registration period for such vehicles exceeds the valid safety inspection period by a period of time to be determined by the Commissioner.

Owners of motor vehicles that are not registered with the Department of Motor Vehicles shall maintain such records pertaining to all vehicles they own and their locations as the Department may by regulation require. Such records shall contain proof of compliance with this article and be made available to the Department of Motor Vehicles upon the Department's request or to any law-enforcement officer upon the officer's request.

The provisions of this section requiring safety inspections of motor vehicles shall also apply to vehicles used for fire fighting; inspections of fire-fighting vehicles shall be conducted pursuant to regulations promulgated by the Superintendent of State Police, taking into consideration the special purpose of such vehicles and the conditions under which they operate.

Each day during which such motor vehicle, trailer, or semitrailer is operated on any highway in this Commonwealth after failure to comply with this law shall constitute a separate offense. However, no penalty shall be imposed on any owner or operator for operation of a motor vehicle, trailer, or semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route between the place where such vehicle is kept or garaged and an official inspection station, for the purpose of having it inspected pursuant to a prior appointment with such station.

The provisions of this section shall not apply to any vehicle for transporting well-drilling machinery licensed under § 46.2-700 or to any antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730.

Notwithstanding the penalty provisions of § 46.2-1171, a violation of this section constitutes a traffic infraction.

§ 46.2-1158. Frequency of inspection; scope of inspection.

Motor vehicles, trailers, and semitrailers required to be inspected pursuant to the provisions of § 46.2-1157 shall be reinspected within twelve months of the month of the first inspection and at least once every twelve months thereafter, *except as otherwise provided in this chapter*.

Each inspection shall be a complete inspection. A reinspection of a rejected vehicle by the same station during the period of validity of the rejection ~~sticker~~ *on certificate* of such vehicle, however, need only include an inspection of the item or items previously found defective unless there is found an obvious defect that would warrant further rejection of the vehicle.

A rejection ~~sticker~~ *certificate* shall be valid for fifteen calendar days beyond the day of issuance. A

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60 complete inspection shall be performed on any vehicle ~~bearing an expired rejection sticker that has an~~
61 ~~expired rejection certificate.~~

62 § 46.2-1161.1. Inspections of trailers and semitrailers equipped with heating or cooking appliances.

63 If any trailer or semitrailer subject to the periodic safety inspections required by this article is
64 equipped with a heating or cooking appliance, the safety inspection of such trailer or semitrailer shall
65 include a visual inspection of the venting of such cooking or heating appliance to the outside of the
66 trailer or semitrailer. No safety inspection approval ~~sticker certificate~~ shall be issued to any such trailer
67 or semitrailer unless any such heating or cooking appliance is adequately vented to prevent the
68 asphyxiation of occupants of any such trailer or semitrailer by the operation of the heating or cooking
69 appliance.

70 § 46.2-1163. Official inspection stations; safety inspection approval stickers.

71 The Superintendent may designate, furnish instructions to, and supervise official inspection stations
72 for the inspection of motor vehicles, trailers, and semitrailers and for adjusting and correcting equipment
73 enumerated in this chapter in such a manner as to conform to specifications hereinbefore set forth. The
74 Superintendent shall adopt and furnish to such official inspection stations regulations governing the
75 making of inspections required by this chapter. The Superintendent may at any time, after five days'
76 notice, revoke the designation of any official inspection station designated by him.

77 If no defects are discovered or when the equipment has been corrected in accordance with this title,
78 the official inspection station shall issue to the operator or owner of the vehicle, on forms furnished by
79 the Department of State Police, a duplicate of which is retained by such station, a certificate showing
80 the date of correction, registration number of the vehicle, and the official designation of such station.
81 There also shall be placed on the windshield of the vehicle at a place to be designated by the
82 Superintendent an approval sticker furnished by the Department of State Police. If any vehicle is not
83 equipped with a windshield, the approval sticker shall be placed on the vehicle in a location designated
84 by the Superintendent. This sticker shall be displayed on the windshield of such vehicle or at such other
85 designated place upon the vehicle at all times when it is operated on the highways in the
86 Commonwealth and until such time as a new inspection period shall be designated and a new inspection
87 sticker issued. Common carriers, operating under certificate from the State Corporation Commission,
88 who desire to do so may use with the approval of the Superintendent private inspection stations for the
89 inspection and correction of their equipment.

90 § 46.2-1167. Charges for inspection and reinspection; exemption.

91 Each official safety inspection station may charge ten dollars for each inspection, but the charge shall
92 not be mandatory. No such charge shall be made unless the station has previously contracted therefor.

93 Each official safety inspection station may charge one dollar for each reinspection of a vehicle
94 rejected by the station, as provided in § 46.2-1158, if the vehicle is submitted for reinspection within the
95 validity period of the rejection ~~sticker certificate~~. If a rejected vehicle is not submitted to the same
96 station within the validity period of the rejection ~~sticker certificate~~ or is submitted to another official
97 safety inspection station, ten dollars may be charged for the inspection.

98 Notwithstanding the foregoing provisions of this section, the maximum fee for the inspection of
99 motorcycles shall be one-half the fee permitted for the inspection of other vehicles.

100 § 46.2-1172. Unauthorized taking, possession, or use of inspection certificates, etc.

101 No person shall remove any inspection ~~sticker or~~ any paper issued by the Superintendent in
102 connection with vehicle safety inspections from the custody of any person to whom the same has been
103 issued by or under the authority of the Superintendent of State Police. Nor shall any person have any
104 such ~~sticker or~~ paper in his possession or use otherwise than as authorized by the Superintendent. In any
105 case where the Superintendent has suspended or revoked the designation of any official inspection
106 station designated by him, such station shall surrender possession to the Superintendent or his duly
107 authorized representative all inspection ~~stickers and~~ other forms and papers used in connection with
108 safety inspection of vehicles on or before the effective date of such suspension or revocation.

109 § 46.2-1173. Imitation or counterfeit inspection certificates.

110 No person shall make, issue, or knowingly use any imitation or counterfeit of an official safety
111 inspection ~~sticker certificate~~.

112 No person shall ~~display or cause or permit to be displayed upon~~ use for any vehicle any safety
113 inspection ~~sticker certificate~~ knowing it to be fictitious or issued for another vehicle.

114 § 46.2-1175.1. Inspection of certain refuse collection and highway maintenance vehicles.

115 No safety inspection approval ~~sticker certificate~~ shall be issued under this article to any publicly or
116 privately owned vehicle (i) used for garbage and refuse collection and disposal or (ii) having a
117 manufacturer's gross vehicle weight rating of 10,001 pounds or more and used primarily for highway
118 repair or maintenance unless any such vehicle is equipped with a device, in good working order, which
119 automatically emits an audible alarm signal when the vehicle is operated in reverse gear. Any such
120 device shall be of a type approved by the Superintendent of State Police.

121 **2. That § 46.2-1164 of the Code of Virginia is repealed.**