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HOUSE BILL NO. 999

Offered January 22, 1996

A BILL to amend and reenact § 46.2-1001 of the Code of Virginia, relating to removal of unsafe vehicles from service.

Patrons—Forbes, Jones, J.C., Nelms, Robinson and Spruill; Senators: Earley and Quayle

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1001 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1001. Removal of unsafe vehicles; penalty.

Any motor vehicle, trailer, or semitrailer examined by a law-enforcement officer certified to perform vehicle safety inspections and found to be operating with defective brakes, tires, wheels, steering mechanism, or any other condition which is likely to cause an accident or a breakdown of the motor vehicle, trailer, or semitrailer may be removed from the highway and not permitted to operate again on the highway until the defects have been corrected and the law-enforcement officer has found the corrections to be satisfactory. Such law-enforcement officer may allow any motor vehicle, trailer, or semitrailer discovered to be in such an unsafe condition while being operated on the highway to continue in operation only to the nearest place where repairs can be safely effected and only if such operation is less hazardous to the public than to permit the motor vehicle, trailer, or semitrailer to remain on the highway.

No person shall operate a motor vehicle, trailer, or semitrailer which has been removed from service as provided in the foregoing provisions of this section prior to correction and proper authorization by a law-enforcement officer certified to perform vehicle safety inspection procedures.

For the purpose of this section, the term "law-enforcement officer certified to perform vehicle safety inspections" shall include (i) State Police officers, and (ii) those law-enforcement officers of the City of Alexandria, the City of Chesapeake, the City of Fairfax, the City of Falls Church, the City of Lynchburg, the City of Norfolk, the City of Virginia Beach, Arlington County, Chesterfield County, Fairfax County and any city contiguous thereto, Henrico County, Loudoun County, or Prince William County who have satisfactorily completed a course of instruction as prescribed by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, in federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. Those law-enforcement officers certified to place vehicles out of service must receive annual in-service training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. The Superintendent of State Police shall be responsible for coordinating the annual in-service training. The agency administrator of the law-enforcement agencies authorized to perform vehicle safety inspections shall submit to the Department of Criminal Justice Services the names of each law-enforcement officer certified to perform vehicle safety inspections who has satisfactorily completed a course of instruction as prescribed by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety. The Department of Criminal Justice Services shall also be responsible for approval of the annual in-service training and recording the certification of the state and local law-enforcement officers who satisfactorily complete the annual in-service training.

Every vehicle inspected by a local law-enforcement officer pursuant to this section and found to be free of defects which would constitute grounds for removal of the vehicle from service shall be issued a sticker as evidence of such inspection and freedom from defects. Such stickers shall be valid for ninety days. Any vehicle displaying a valid sticker shall be exempt from local or State Police inspections under this section. However, the fact that a vehicle displays a valid sticker shall not prevent any local or State Police officer from stopping and inspecting the vehicle if he observes an obvious safety defect. The Superintendent of State Police shall work cooperatively with local law-enforcement agencies of localities whose officers are authorized to perform inspections pursuant to this section to develop a standard sticker as provided for in this section and uniform policies and procedures for issuance and display of such stickers.

However, notwithstanding the foregoing provisions of this section, before placing any vehicle out of service, the vehicle operator shall be allowed two hours to effect repairs to his vehicle. Such repairs may be performed at the site where the vehicle was inspected and found to be unsafe, provided the vehicle requiring repair is off the highway, where the repairs can be effected safely. If such repairs remedy the condition or conditions that would have caused it to be taken out of service, it shall not be taken out of service, but allowed to resume its operations. No such repairs, however, shall be allowed if the vehicle's

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60 load consists of hazardous material as defined in § 10.1-1400.