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HOUSE BILL NO. 2159

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on January 23, 1997)

(Patron Prior to Substitute—Delegate Dickinson)

A BILL to amend and reenact §§ 46.2-200, 46.2-438, 46.2-613, 46.2-649, 46.2-652, 46.2-653, 46.2-694, 46.2-696, 46.2-697, 46.2-701, 46.2-712, 46.2-714, 46.2-726, 46.2-755, 46.2-759, 46.2-762, 46.2-917.2, 46.2-1128, 46.2-1129, 46.2-1142.1, 46.2-1156, 46.2-1157, 46.2-1168, 46.2-1175, 46.2-1552.1, and 46.2-2100, § 52-8.4 as it is currently effective and as it will become effective, and §§ 58.1-2401, 58.1-2402, 58.1-2403, 58.1-2425, 58.1-2700, 58.1-2702, and 58.1-3703 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 46.2-694.1, by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.2, and by adding a section numbered 52-8.4:2; and to repeal §§ 46.2-659, 46.2-699, and 46.2-769 of the Code of Virginia, relating to registration, licensing, and, regulation of carriers of passengers or property; powers and duties of the Department of Motor Vehicles and the Commonwealth Transportation Commissioner; registration of vehicles that exceed size and weight limits; registrations and permits for certain mobile homes and house trailers; extensions of weight limits for certain vehicles; vehicle safety inspections; dealer's license plates; certain offenses to be considered traffic infractions; the motor vehicle sales and use tax; the road tax on motor carriers; local license taxes; fees; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-200, 46.2-438, 46.2-613, 46.2-649, 46.2-652, 46.2-653, 46.2-694, 46.2-696, 46.2-697, 46.2-701, 46.2-712, 46.2-714, 46.2-726, 46.2-755, 46.2-759, 46.2-762, 46.2-917.2, 46.2-1128, 46.2-1129, 46.2-1142.1, 46.2-1156, 46.2-1157, 46.2-1168, 46.2-1175, 46.2-1552.1, and 46.2-2100, § 52-8.4 as it is currently effective and as it will become effective, and §§ 58.1-2401, 58.1-2402, 58.1-2403, 58.1-2425, 58.1-2700, 58.1-2702, and 58.1-3703 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-694.1, by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.2, and by adding a section numbered 52-8.4:2 as follows:

§ 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 of passengers or property and vehicles that may be required to be registered under the International Registration Plan or pay road tax as described under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 under the International Fuel Tax Agreement; the audit of ~~property-carrying motor~~ carriers of passengers or property for compliance with registration and road tax requirements; proof of financial responsibility; and any other services that may be required to create a single point of contact for motor carriers operating within and without the Commonwealth.

§ 46.2-438. Proof by owner of vehicles operated under permit or certificate of State Corporation Commission or Department of Motor Vehicles.

If the owner of a motor vehicle is one whose vehicles are operated under a permit or a certificate of convenience and necessity issued by the State Corporation Commission *or the Department*, proof by the owner on behalf of another as provided by this chapter may be made if there is filed with the Commissioner satisfactory evidence that the owner has complied with the law with respect to his liability for damage caused by the operation of his vehicles by providing the required insurance or other security or has qualified as a self-insurer as described in § 46.2-368.

§ 46.2-613. Offenses relating to registration, licensing, and certificates of title.

No person shall:

1. Operate or permit the operation of a motor vehicle, trailer, or semitrailer owned, leased, or otherwise controlled by him to be operated on a highway unless (i) it is registered, (ii) a certificate of title therefor has been issued, and (iii) it has displayed on it the license plate or plates and decal or decals, *if any*, assigned to it by the Department for the current registration period, subject to the exemptions mentioned in § 46.2-626, Article 5 (§ 46.2-655 et seq.), and Article 6 (§ 46.2-662 et seq.) of this chapter.

60 2. Display, cause or permit to be displayed, or have in possession any registration card, certificate of
61 title, or license plate or decal which he knows is fictitious or which he knows has been cancelled,
62 revoked, suspended, or altered.

63 3. Lend or knowingly permit the use of any registration card, license plate, or decal by anyone not
64 entitled to it.

65 4. Fail or refuse to surrender to the Department or the Department of State Police, on demand, any
66 certificate of title, registration card, or license plate or decal which has been suspended, cancelled, or
67 revoked.

68 5. Use a false name or address in any application for the registration of any motor vehicle, trailer, or
69 semitrailer or for a certificate of title or for any renewal or duplicate certificate, or knowingly to make a
70 false statement of a material fact or to conceal a material fact or otherwise commit a fraud in any
71 registration application.

72 § 46.2-649. Certain vehicles required to show evidence of payment of taxes and of registration or
73 exemption from registration with Department of Motor Vehicles.

74 A. Before the Commissioner registers or reregisters any motor vehicle, trailer, or semitrailer under
75 §§ 46.2-697, 46.2-698, 46.2-700 or § 46.2-703, the applicant shall furnish evidence satisfactory to the
76 Commissioner that all state, local, and federal taxes levied on that motor vehicle, trailer, or semitrailer
77 have been paid and that the motor vehicle, trailer, or semitrailer either (i) is registered with the State
78 Corporation Commission Department as required by law, or (ii) is not required so to register.

79 B. The Commissioner, in consultation with the State Corporation Commission, with local
80 commissioners of the revenue and directors of finance, and with appropriate federal officials, by
81 regulation shall provide for the kinds of evidence required to satisfy the provisions of subsection A of
82 this section.

83 C. The provisions of this section shall not apply to (i) pickup trucks, (ii) panel trucks, or (iii) trucks
84 having a registered gross weight less than 33,000 pounds.

85 § 46.2-652. Temporary registration for vehicles.

86 The Commonwealth Transportation Commissioner, in cooperation with the Commissioner may, in his
87 discretion, grant a temporary registration or permit for the operation of tractor trucks, trucks, and heavy
88 duty trailers used for the transportation of heavy construction equipment, cranes, well-digging apparatus,
89 and other heavy equipment (i) a vehicle or equipment that cannot be licensed because the vehicle,
90 excluding any load thereon, is overweight, oversize, or both or (ii) a licensed vehicle that exceeds
91 statutory weight limits on the highways in the Commonwealth from one point to another within the
92 Commonwealth, or from the Commonwealth to a point or points outside the Commonwealth, or from
93 outside the Commonwealth to a point or points within the Commonwealth. A Any temporary registration
94 or permit issued under this section shall show the registration or permit number, the date of issue, the
95 date of expiration, and the route to be traveled or other restrictions and shall be displayed in a
96 prominent place on the vehicle or other apparatus.

97 For a special single-trip temporary registration or permit issued under this section the applicant shall
98 pay a fee of ten cents per mile for every mile to be traveled by the tractor truck, truck, heavy duty
99 trailer, crane, well-digging apparatus, or other heavy equipment, in addition to any administrative fee
100 required by the Department of Transportation. In lieu of a single-trip permit, an annual multi-trip
101 permit may be issued for a fee of forty dollars, in addition to any administrative fee required by the
102 Department of Transportation.

103 § 46.2-653. Temporary registration or permit for transportation of mobile homes or house trailers
104 exceeding the size permitted by law.

105 The Commonwealth Transportation Commissioner, in cooperation with the Commissioner may, in his
106 discretion, grant a temporary registration or permit for the transportation of mobile homes or house
107 trailers, which exceed the size permitted by law, on the highways in the Commonwealth from one point
108 to another within the Commonwealth, or from the Commonwealth to a point or points outside the
109 Commonwealth, or from outside the Commonwealth to a point or points within the Commonwealth.
110 Such temporary registration or permit shall show the registration or permit number, the date of issue, the
111 date of expiration, and the route to be traveled or other restrictions and shall be displayed in a
112 prominent place on the vehicle. The owner of every mobile home or house trailer of this sort purchased
113 in the Commonwealth for use within the Commonwealth or brought into the Commonwealth for use
114 within the Commonwealth shall apply within thirty days to the Department for title in the name of the
115 owner. This requirement shall not apply to inventory held by licensed Virginia dealers for the purpose
116 of resale. After a mobile home has been titled in the Commonwealth and at such time as the wheels and
117 other equipment previously used for mobility have been removed and the unit has been attached to the
118 realty, then the Virginia title issued for the unit may be returned to the Department for cancellation and
119 the unit shall thereafter be transferred only as real estate is transferred. The validity of any security
120 interest perfected pursuant to §§ 46.2-636 through 46.2-641 shall continue, notwithstanding the
121 provisions of this section.

The authorities in cities and towns regulating the movement of traffic may prescribe the route or routes over which these mobile homes or house trailers may be transported, and no mobile home or house trailer of this sort shall be transported through any city or town except along a prescribed route or routes.

For each temporary *single-trip* registration or permit issued hereunder, the applicant shall pay a fee of one dollar, *in addition to any administrative fee required by the Department of Transportation. In lieu of a single-trip permit, an annual multi-trip permit may be issued for a fee of forty dollars, in addition to any administrative fee required by the Department of Transportation.*

No permit, as provided in this section, shall be issued covering any mobile ~~homes~~ *home* or house trailers ~~which are~~ *trailer that is* subject to a license plate.

§ 46.2-694. Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Twenty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than ten adults including the driver if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without chauffeur. In no case shall the fee be less than twenty-three dollars if the vehicle weighs 4,000 pounds or less or twenty-eight dollars if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than twenty-three dollars if the vehicle weighs 4,000 pounds or less or twenty-eight dollars if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus thirty cents per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional five dollars shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus seventy cents per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional five dollars shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of seventy cents per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth ~~under authority of the Interstate Commerce Commission and registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration,~~ may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than thirty-three dollars. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus eighty cents per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without chauffeur for the

183 transportation of passengers. An additional fee of five dollars shall be charged if the vehicle weighs
184 more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

185 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a
186 chauffeur for the transportation of passengers, and which operates or should operate under permits issued
187 by the ~~State Corporation Commission~~ Department as required by law. An additional fee of five dollars
188 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to
189 vehicles used as common carriers.

190 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
191 surcharge of three dollars which shall be distributed as provided in § 46.2-1191.

192 11. Twenty-three dollars for a bus used exclusively for transportation to and from Sunday school or
193 church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the
194 fee shall be twenty-eight dollars.

195 12. Thirteen dollars plus seventy cents per 100 pounds or major fraction thereof for other
196 passenger-carrying vehicles.

197 13. An additional fee of two dollars per year shall be charged and collected at the time of
198 registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of
199 this subsection. All funds collected pursuant to this subdivision shall be paid into the state treasury and
200 shall be set aside as a special fund to be used only for emergency medical service purposes. The
201 moneys in the special fund shall be distributed as follows:

202 a. Two and one-half percent shall be distributed to the Virginia Association of Volunteer Rescue
203 Squads;

204 b. Thirteen and one-half percent shall be distributed to the State Department of Health to support (i)
205 emergency medical services training programs (excluding advanced life support classes), (ii) advanced
206 life support training, and (iii) recruitment and retention programs (all funds for such support shall be
207 used to recruit and retain volunteer emergency medical services personnel only, including public
208 awareness campaigns, technical assistance programs, and similar activities). Any funds set aside for
209 distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to
210 the Rescue Squad Assistance Fund;

211 c. Thirty-one and three-quarters percent shall be distributed to the Rescue Squad Assistance Fund;

212 d. Twenty-seven and one-quarter percent shall be available to the State Department of Health for use
213 in emergency medical services; and

214 e. Twenty-five percent shall be returned by the Comptroller to the locality wherein such vehicle is
215 registered, to provide funding for training of volunteer or salaried emergency medical service personnel
216 of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment
217 and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

218 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these
219 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall
220 be in addition to any local appropriations and local governing bodies shall not use these funds to
221 supplant local funds. Each local governing body shall report annually to the Board of Health on the use
222 of the twenty-five percent of the funds which were returned to it. In any case in which the local
223 governing body grants the funds to a regional emergency medical services council to be distributed to
224 the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain
225 responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the
226 twenty-five percent of the funds for that year has not been received from a local governing body, any
227 funds due to that local governing body for the next fiscal year shall be retained until such time as the
228 report has been submitted to the Board.

229 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646
230 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or
231 § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the
232 number of months in the registration period for such motor vehicles, trailers, and semitrailers.

233 C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required
234 by this section to be based upon the weight of the vehicle.

235 D. The applicant for registration bears the burden of proof that the vehicle for which registration is
236 sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the
237 Commissioner or to his authorized agent.

238 § 46.2-694.1. Fees for trailers and semitrailers not designed and used for transportation of
239 passengers.

240 Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed
241 and used for the transportation of passengers on the highways in the Commonwealth shall be as
242 follows:

243
244 Registered Gross Weight 1-Year Fee 2-Year

245 Fee Permanent Fee

246

247

248 0-1,500 lbs \$ 8.00

249 \$16.00 \$50.00

250

251 1,501-4,000 lbs \$18.50 \$37.00

252 \$50.00

253

254 4,001 lbs & above \$23.50 \$47.00

255 \$50.00

256

257

258 From the foregoing registration fees, the following amounts, regardless of weight category, shall be
259 paid by the Department into the state treasury and set aside for the payment of the administrative costs
260 of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this
261 title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year
262 registration fee, three dollars, and (iii) from each permanent registration fee, four dollars.

263 § 46.2-696. Exemption of buses operated in special or chartered service.

264 The provisions of §§ 46.2-107, 46.2-687, 46.2-694, and 46.2-695 shall not apply to any carrier
265 operating under a certificate of public convenience and necessity issued by the State Corporation
266 Commission or the Department for buses operated in special or chartered party service, nor shall the
267 provisions of subdivisions 8 and 9 of subsection A of § 46.2-694 apply to any carrier that is: (i)
268 operating under a certificate of public convenience and necessity issued by the State Corporation
269 Commission or the ~~Interstate Commerce Commission~~ Department, (ii) registered for insurance purposes
270 with the Surface Transportation Board of the United States Department of Transportation, Federal
271 Highway Administration, or (iii) operating under a local franchise granted by any city or town.

272 § 46.2-697. Fees for vehicles not designed or used for transportation of passengers.

273 A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not
274 designed and used for the transportation of passengers shall be thirteen dollars plus an amount
275 determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when
276 loaded to the maximum capacity for which it is registered and licensed, according to the schedule of
277 fees set forth in this section. For each 1,000 pounds of gross weight, or major fraction thereof, for
278 which any such vehicle is registered, there shall be paid to the Commissioner the fee indicated in the
279 following schedule immediately opposite the weight group and under the classification established by the
280 provisions of subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of
281 which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed.
282 The fee for a pickup or panel truck shall be twenty-three dollars if its gross weight is 4,000 pounds or
283 less, and twenty-eight dollars if its gross weight is 4,001 pounds through 6,500 pounds. The fee shall be
284 twenty-nine dollars for any motor vehicle with a gross weight of 6,501 pounds through 10,000 pounds.

285

286 Fee Per Thousand Pounds of Gross Weight

287

288 Gross Weight Private For Rent or

289

290 Groups (pounds) Carriers For Hire

291

292 Carriers

293

294 10,001 - 11,000 \$2.60 \$4.75

295

296 11,001 - 12,000 2.80 4.90

297

298 12,001 - 13,000 3.00 5.15

299

300 13,001 - 14,000 3.20 5.40

301

302 14,001 - 15,000 3.40 5.65

303			
304	15,001 - 16,000	3.60	5.90
305			
306	16,001 - 17,000	4.00	6.15
307			
308	17,001 - 18,000	4.40	6.40
309			
310	18,001 - 19,000	4.80	7.50
311			
312	19,001 - 20,000	5.20	7.70
313			
314	20,001 - 21,000	5.60	7.90
315			
316	21,001 - 22,000	6.00	8.10
317			
318	22,001 - 23,000	6.40	8.30
319			
320	23,001 - 24,000	6.80	8.50
321			
322	24,001 - 25,000	6.90	8.70
323			
324	25,001 - 26,000	6.95	8.90
325			
326	26,001 - 27,000	7.00 8.25	9.10 10.35
327			
328	27,001 - 28,000	7.05 8.30	9.30 10.55
329			
330	28,001 - 29,000	7.10 8.35	9.50 10.75
331			
332	29,001 - 40,000	7.20 8.45	9.70 10.95
333			
334	40,001 - 45,000	7.30 8.55	9.90 11.15
335			
336	45,001 - 50,000	7.50 8.75	10.00 11.25
337			
338	50,001 - 55,000	8.00 9.25	12.00
339	13.25		
340			
341	55,001 - 76,000	10.00 11.25	14.00
342	15.25		
343			
344	76,001 - 80,000	12.00 13.25	15.00
345	16.25		
346			
347			

348 For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of five
349 dollars shall be imposed.

350 B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the
351 owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such
352 case, the fee shall be twenty-five percent of the annual fee plus five dollars for each quarter that the
353 vehicle is registered.

354 C. When an owner elects to register and license a motor vehicle under subsection B of this section,
355 the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

356 D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow
357 disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight
358 other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

359 E. All registrations and licenses issued for less than a full year shall expire on the date shown on the
360 license and registration.

§ 46.2-701. Combinations of tractor trucks and semitrailers; five-year registration of certain trailer fleets.

A. Each vehicle of a combination of a truck or tractor truck and a trailer or semitrailer shall be registered as a separate vehicle, and separate vehicle license plates shall be issued for each vehicle, but, for the purpose of determining the gross weight group into which any vehicle falls pursuant to § 46.2-697, the combination of vehicles of which such vehicle constitutes a part shall be considered a unit, and the aggregate gross weight of the entire combination shall determine the gross weight group. The fee for the registration card and license plates for a trailer or semitrailer constituting a part of the combination shall be ~~seventeen dollars as provided in § 46.2-694.1. If the trailer or semitrailer exceeds a gross weight of 4,000 pounds, however, the fee shall be twenty-two dollars. However, there shall be no deduction from this fee for the registration fee of the trailer or semitrailer in the combination.~~

B. In determining the fee to be paid for the registration of a truck or tractor truck constituting a part of such combination the fee shall be assessed on the total gross weight and the fee per 1,000 pounds applicable to the gross weight of the combination when loaded to the maximum capacity for which it is registered and licensed.

C. At his option, the owner of a fleet of at least fifty trailers may register his fleet for a period of five years provided the following requirements are met:

1. The application shall be made on a form prescribed by the Commissioner and contain such information as the Commissioner may require.

2. On receipt of an application and registration fees, the Commissioner shall issue for each trailer in the fleet a license plate and registration card which shall be valid for five years.

3. All license plates issued for a fleet shall expire on the last day of the same month five years from the month of registration of the fleet.

4. Should the fleet owner add vehicles during the five-year registration period, the registration for the additional trailers shall expire on the same date as the registration of the original fleet expires.

5. The fleet owner shall pay all registration renewal fees due each year for all trailers registered in his fleet prior to the expiration date as shown on the records of the Department.

6. If the registration renewal fees are not paid prior to the date of expiration, all trailer license plates and registrations in the fleet shall be cancelled. *Existing five-year registrations for fleets of fifty or more trailers previously issued under this section shall remain valid through the five-year period, but shall not be renewable.*

§ 46.2-712. Requirements of license plates and decals.

A. Every license plate shall display the registration number assigned to the motor vehicle, trailer, or semitrailer and to the owner thereof, the name of the Commonwealth, which may be abbreviated, and the year or the month and year, which may be abbreviated and in the form of decals, for which it is issued. Subject to the need for legibility, the size of the plate, the letters, numerals, and decals thereon, and the color of the plate, letters, numerals, and decals shall be in the discretion of the Commissioner. Decals shall be placed on the license plates in the manner prescribed by the Commissioner, and shall indicate the month and year of expiration. On the issuance of the decals, a new registration card shall be issued with the same date of expiration as the decals.

B. *Notwithstanding any other provision of this title, the Department may issue permanent license plates without decals and without a month and year of expiration for all trailers and semitrailers, regardless of weight, as well as trucks and tractor trucks with a gross vehicle weight rating or gross combination weight rating of more than 26,000 pounds.*

C. *Notwithstanding any contrary provision of this section, any person who, pursuant to former § 56-304.3, repealed by Chapters 744 and 803 of the Acts of Assembly of 1995, obtained from the State Corporation Commission an exemption from the marker or decal requirements of former §§ 56-304, 56-304.1 or 56-304.2, and who has painted or, in the case of newly acquired vehicles, who paints an identifying number on the sides of any vehicle with respect to which such exemption applies and, in all other respects, continues to comply with the requirements of former § 56-304.3, shall be deemed to be in compliance with subsections C and D of § 46.2-761.*

§ 46.2-714. Permanent license plates.

Notwithstanding the provisions of §§ 46.2-711 and 46.2-712 the Department may, in its discretion, issue a type of license plate suitable for permanent use on motor vehicles, trailers, semitrailers, and motorcycles, together with decals, *unless decals are not required under § 46.2-712*, to be attached to the license plates to indicate the registration period for which such vehicles have been properly licensed. The design of the license plates and decals, *when required*, shall be determined by the Commissioner.

Every permanent license plate and decal, *when required*, shall be returned to the Department whenever the owner of a vehicle disposes of it by sale or otherwise and when not actually in use on a motor vehicle, except dealer's plates temporarily not in use. The person in whose name the license plate is registered may apply, during the registration period for which it is issued, for the return thereof if the

license plate is intended to be used on a subsequently acquired motor vehicle.

Every permanent license plate and decal, *when issued*, shall be returned to the Department whenever the owner of a vehicle elects to garage the vehicle and discontinue the use of it on the highway. The person in whose name the license plate is registered may apply, during the registration period for which it is issued, for the return thereof if the vehicle is to be returned to use on the highway.

§ 46.2-726. License plates with reserved numbers or letters; fees.

The Commissioner may, in his discretion, reserve license plates with certain registration numbers or letters or combinations thereof for issuance to persons requesting license plates so numbered and lettered.

License plates with reserved numbers or letters may be issued for and displayed on vehicles operated as ambulances by private ambulance services.

The annual fee *or, in the case of permanent license plates for trailers and semitrailers, the one-time fee*, for the issuance of any license plates with reserved numbers or letters shall be ten dollars plus the prescribed fee for state license plates. If those license plates with reserved numbers or letters are subject to an additional fee beyond the prescribed fee for state license plates, the fee for such special license plates with reserved numbers or letters shall be ten dollars plus the additional fee for the special license plates plus the prescribed fee for state license plates.

§ 46.2-755. Limitations on imposition of motor vehicle license taxes and fees.

A. No county, city, or town shall impose any motor vehicle license tax or fee on any motor vehicle, trailer, or semitrailer when:

1. A similar tax or fee is imposed by the county, city, or town wherein the vehicle is normally garaged, stored or parked;

2. The vehicle is owned by a nonresident of such locality and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in subdivision 3 of this subsection;

3. The vehicle is (i) owned by a nonresident and (ii) used for transporting into and within the locality, for sale in person or by his employees, wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream, or eggs produced or grown by him, and not purchased by him for sale;

4. The motor vehicle, trailer, or semitrailer is owned by an officer or employee of the Commonwealth who is a nonresident of such county, city, or town and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;

5. The motor vehicle, trailer, or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;

6. The motor vehicle, trailer, or semitrailer is operated by a common carrier of persons or property operating between cities and towns in the Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places outside cities and towns on the other and not in intracity transportation.

B. No county, city, or town shall impose a license fee for any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Department and has been issued a disabled veteran's motor vehicle license plate as prescribed in § 46.2-739.

C. No county, city, or town shall impose any license tax or license fee upon any daily rental ~~passenger car vehicle as defined in § 58.1-2401~~, the rental of which is subject to the tax imposed by § 58.1-2402 A 4.

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

Each motor carrier which is the holder of a registration card, license plate, certificate, permit or identification marker issued by the Department shall keep on file with the Department proof of an insurance policy or bond in accordance with this article. Such prior filings as have been made on behalf of interstate motor carriers to the State Corporation Commission shall be kept in full force at all times at the Department. The policy or bond shall remain in the files of the Department six months after the certificate, registration card, license plate, identification marker or permit is canceled for any cause. If federal, state, or municipal bonds are deposited with the State Treasurer in lieu of an insurance policy, the bonds shall remain deposited until six months after the registration card, license plate, certificate, permit or identification marker is canceled for any cause unless otherwise ordered by the Department.

~~The Commission shall transfer such information as is necessary to complete the transition from filings made at the Commission to future filings made with the Department.~~

§ 46.2-762. Temporary emergency operation.

In an emergency, the Department or its agents 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.~~

§ 46.2-917.2. School buses operating under State Corporation Commission or Department certificate. Notwithstanding § 46.2-917, any person holding a special or charter party certificate issued by the State Corporation Commission or the Department pursuant to Chapter 23 (§ 46.2-2300 et seq.) of Title 46.2 *this title* may transport special or charter parties in school buses provided all lettering required by § 46.2-1089 and warning devices required by § 46.2-1090 are covered with some opaque detachable material.

§ 46.2-1128. Extensions of weight limits; fees.

The owner of any motor vehicle may obtain an extension of single axle, tandem axle, and gross weight set forth in this article by purchasing an overload permit for such vehicle. The permit shall extend the single axle weight limit of 20,000 pounds, tandem axle weight limit of 34,000 pounds, and gross weight limit based on axle spacing and number of axles on such vehicle. However, no such permit shall authorize the operation of a motor vehicle whose gross weight exceeds 80,000 pounds, nor shall any such permit authorize any extension of the limitations provided in § 46.2-1127 for interstate highways.

Permits under this section shall be valid for one year and shall be issued according to the following fee schedule:

Percentage	Fee for Permit
1%	\$ 35
2%	75
3%	115
4%	160
5%	200

The Commissioner of the Department of Motor Vehicles, in cooperation with the State Corporation Commission, shall make the permit available to vehicles registered outside the Commonwealth under the same conditions and restrictions which are applicable to vehicles registered within the Commonwealth. The Commissioner of the Department of Motor Vehicles shall promulgate regulations governing such permits in cooperation with the State Corporation Commission. Except as provided in this section and § 46.2-1129, no weights in excess of those authorized by law shall be tolerated.

§ 46.2-1129. Further extensions of weight limits for certain vehicles hauling Virginia-grown farm or forest products.

The owner of any motor vehicle used for hauling Virginia-grown forest or farm products, as defined in § 3.1-692, from the place where they are first produced, cut, harvested, or felled to the location where they are first processed may obtain from the Commissioner of the Department of Motor Vehicles an extension for such vehicle of the single axle, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle weight limit, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle weight limit, tandem axle weight limit, and gross weight limit based on axle spacing and number of axles on such vehicle by five percent, respectively.

No permit issued under this section shall permit the operation on an interstate highway of any vehicle with (i) a single axle weight in excess of 20,000 pounds, or (ii) a tandem axle weight in excess of 34,000 pounds, or (iii) a gross weight, based on axle spacing, greater than that permitted in § 46.2-1126, or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds. The Commissioner of the Department of Motor Vehicles shall promulgate regulations governing such permits in cooperation with the State Corporation Commission.

Weight extensions provided in this section shall be in addition to those provided in § 46.2-1128, but no weights beyond those permitted by the combination of the extensions provided in this section and § 46.2-1128 shall be tolerated.

§ 46.2-1142.1. Extensions of overweight limits authorized by permit under § 46.2-1142; fees.

Owners or operators of vehicles used exclusively to haul concrete may apply for permits to extend the single axle weight limit of 20,000 pounds and the tandem axle weight limit of 40,000 pounds provided for in § 46.2-1142, by the percentages and upon payment of the fees set forth in this section:

Percentage	Fee for Permit
------------	----------------

544	1%	\$ 35
545		
546	2	75
547		
548	3	115
549		
550	4	160
551		
552	5	200
553		
554		

555 Permits issued under this section shall be valid for one year from the date of issuance. No permit
 556 issued under this section shall authorize any extension of the limitation provided for in § 46.2-1127 for
 557 interstate highways, nor authorize violations of any weight limitation for bridges or culverts promulgated
 558 and posted in accordance with § 46.2-1130.

559 ~~The Commissioner of the Department of Motor Vehicles, in cooperation with the State Corporation~~
 560 ~~Commission,~~ shall make the permit available to vehicles registered outside the Commonwealth under the
 561 same conditions and restrictions which are applicable to vehicles registered within the Commonwealth.
 562 The Commissioner of the Department of Motor Vehicles shall *may* promulgate regulations governing
 563 such permits ~~in cooperation with the State Corporation Commission~~. Except as provided in this section
 564 and § 46.2-1142, no weights in excess of those authorized by law shall be tolerated.

565 § 46.2-1149.2. *Permit authorizing transportation of tree-length logs.*

566 *The Commonwealth Transportation Commissioner, upon application made by the owner or operator*
 567 *of vehicles used to transport tree-length logs, shall issue a permit authorizing the operation on the*
 568 *highways of such vehicles in excess of lengths authorized in Article 16 (§ 46.2-1112 et seq.) of this*
 569 *chapter. Such permit shall be issued in accordance with regulations promulgated as provided in Chapter*
 570 *1.1:1 (§ 9-6.14:1) of Title 9, subdivision (3) of § 33.1-12, and § 33.1-49.*

571 § 46.2-1156. Construction, maintenance and loading must prevent escape of contents; load covers;
 572 exemptions.

573 A. No vehicle shall be operated or moved on any highway unless it is so constructed, maintained,
 574 and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping. No
 575 provision of this section, however, shall apply to any (i) motor vehicle ~~which~~ *that* is used exclusively
 576 for agricultural purposes and ~~which is not operated on any public highway for any purpose other than~~
 577 ~~moving it across a highway or along a highway from one part of the owner's land to another irrespective~~
 578 ~~of whether the tracts adjoin as provided in § 46.2-698 and is not licensed in any other state;~~ (ii)
 579 agricultural vehicle, tractor, or other vehicle exempted from registration and licensing requirements
 580 pursuant to Article 6 (§ 46.2-662 et seq.) of Chapter 6 of this title; or (iii) motor vehicle transporting
 581 *forest products, poultry, or livestock.*

582 B. The loads of all trucks, trailers and semitrailers carrying gravel, sand, coal or other nonagricultural
 583 and nonforestry products on interstate, primary, or secondary highways or roads maintained by cities,
 584 counties or incorporated towns shall be either (i) secured to the vehicle in which they are being
 585 transported or (ii) covered. Public service company vehicles, pickup trucks, and emergency snow
 586 removal equipment while engaged in snow removal operations shall be excluded from the provisions of
 587 this subsection.

588 § 46.2-1157. Requirement of inspection; well-drilling machinery, antique motor vehicle excepted.

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

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

600 Each day during which such motor vehicle, trailer, or semitrailer is operated on any highway in this
 601 Commonwealth after failure to comply with this law shall constitute a separate offense. However, no
 602 penalty shall be imposed on any owner or operator for operation of a motor vehicle, trailer, or
 603 semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route
 604 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.

Further, no penalty shall be imposed on any owner or operator of a truck, tractor truck, trailer, or semitrailer for which the period fixed for inspection has expired while the vehicle was outside the Commonwealth and that penalty is for operation of such vehicle (i) from a point outside the Commonwealth to the place where such vehicle is kept or garaged within the Commonwealth or (ii) to a destination within the Commonwealth where such vehicle will be (a) unloaded within twenty-four hours of entering the Commonwealth, (b) inspected within such twenty-four hour period, and (c) after being unloaded, will be operated only to an inspection station or to the place where it is kept or garaged within the Commonwealth.

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.

§ 46.2-1168. Additional registration fee.

In addition to any other fees imposed, at the time of registration the owner of every motor vehicle, trailer, or semitrailer required to be registered in this Commonwealth shall pay to the Department of Motor Vehicles one dollar and fifty cents *per year of registration or, in the case of trailers and semitrailers, such other fee as is provided in § 46.2-694.1*, to be paid into the state treasury and set aside for the payment of the administrative costs of the official motor vehicle safety inspection program as appropriated by the General Assembly.

§ 46.2-1175. Operators of certain commuter buses to maintain certain records; inspection of records and buses by employees of Department of State Police; penalty.

Persons, firms, corporations, and other business entities operating commuter buses for compensation in intrastate commerce shall maintain records of all maintenance performed on such buses. Such records shall include the dates of service, the odometer reading of the bus on that date, the maintenance performed, and the name of the person or persons performing the maintenance. Such records shall be open to inspection during the operator's normal business hours by employees of the Department of State Police specifically designated by the Superintendent. Employees 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 onto the property of business entities operating commuter buses for compensation in intrastate commerce to inspect buses directly on such property or on the property where such buses are principally garaged at any time during normal business hours. Such inspections may be either for the purpose of determining the safe condition of the buses or to verify the accuracy of the maintenance logs or for both purposes.

A violation of any provision of this section shall constitute a Class 3 misdemeanor.

The provisions of this section shall not apply to local or regional governments, to authorities created to provide local or regional mass transit service, or to buses which those governments or authorities own or operate.

For the purpose of this section, "commuter bus" means a motor vehicle which has a seating capacity of more than seventeen passengers, is used primarily to transport workers directly to and from factories, plants, offices, or other places where they work, and is registered with the ~~State Corporation Commission~~ Department for such operation.

§ 46.2-1552.1. Use of dealer's license plates or temporary transport plates for demonstrating trucks or tractor trucks.

Notwithstanding any other provision of this chapter, dealer's license plates issued under § 46.2-1548 and temporary transport plates issued under § 46.2-1550.2 may be used on trucks *or tractor trucks* in the inventory of licensed motor vehicle dealers for the purpose of demonstrating trucks *or tractor trucks* in the inventory of a licensed dealer by a bona fide prospective purchaser. Any such demonstration vehicle may be loaded in a manner consistent with the prospective purchaser's usual commercial activities. Such use of dealer's license plates on demonstration trucks *or tractor trucks* in a prospective purchaser's commercial activities shall be for not more than three days or 750 miles, whichever comes first, and shall not thereafter be used on the same truck *or tractor truck* by the same prospective purchaser for a period of sixty days. ~~Prior to the demonstration of a loaded truck in a prospective purchaser's commercial activity, a dealer shall obtain for this limited demonstration use of dealer's license plates or temporary transport plates a special permit from the Department of Motor Vehicles. The Department shall collect a fee of twenty-six dollars to be deposited into the Transportation Trust Fund for each such special permit. Any such special permit certificate shall be in the immediate possession of the prospective purchaser, or his authorized agent, when the truck is in operation by the prospective purchaser or his authorized agent. This special permit and the fee required therefor shall be in lieu of~~

any other registration, permit and motor fuel road tax identification stamp otherwise required by law. The dealer shall issue to the prospective purchaser, or to his authorized agent, a certificate on forms provided by the Department, a copy of which shall be retained by the dealer and open at all times to the inspection of the Commissioner or any of the officers or agents of the Department. The certificate shall be in the immediate possession of the person operating or authorized to operate the truck or tractor truck. The certificate shall entitle the person to operate with the dealer's license plate or temporary transport plate for a specific period of no more than three days. This certificate shall be in lieu of any other registration, permit, and motor fuel road tax identification otherwise required by law.

§ 46.2-2100. Definitions.

Whenever used in this chapter, unless expressly stated otherwise:

"Certificate" means a certificate of public convenience and necessity issued by the Department to "household goods carriers" under this chapter.

"Department" means the Department of Motor Vehicles.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicle travel in this Commonwealth, excluding the streets and alleys in towns and cities.

"Household goods" means personal effects and property used or to be used in a dwelling, when a part of the equipment or supplies of such dwelling; ~~unrated new furniture, used furniture, fixtures, equipment, and similar property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; objects of art, displays and exhibits; or articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving such other household goods, and similar property if the transportation of such effects or property is (i) arranged and paid for by the householder, including transportation of the property from a factory or store when the property is purchased by the householder with intent to use it in his dwelling or (ii) arranged and paid for by another party.~~

"Household goods carrier" means any person who undertakes, whether directly or by a lease or other arrangement, to transport "household goods," as herein defined, by motor vehicle for compensation, on any highway in this Commonwealth, between two or more points in this Commonwealth, whether over regular or irregular routes.

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

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

"Services" and "transportation" includes all vehicles operated by, for, or in the interest of any "household goods carrier," irrespective of ownership or contract, express or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of "household goods" or in the performance of any service in connection therewith.

§ 52-8.4. (Effective until January 1, 1998) 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:

"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.

"Motor carrier" means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property or passengers 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.

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

"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~~ Except for those offenses listed in § 52-8.4:2, 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; however, any violation of any out-of-service order issued under authority of such regulations or under authority of the Federal Motor Carrier Safety regulations shall be punished as provided in § 46.2-341.21 and the disqualification provisions of § 46.2-341.21 also shall apply to any driver so convicted.

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 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.

§ 52-8.4. (Effective January 1, 1998) 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:

"Commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in commerce to transport passengers or property if such vehicle (i) has a gross vehicle weight rating or gross combination weight rating of more than 10,000 pounds when operated interstate or more than 26,000 pounds when operated intrastate, (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.

"Motor carrier" means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property or passengers 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.

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

"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.

789 C. ~~Any~~ Except for those offenses listed in § 52-8.4:2, any violation of the provisions of the
 790 regulations adopted pursuant to this section shall constitute a traffic infraction punishable by a fine of
 791 not more than \$1,000 for the first offense or by a fine of not more than \$5,000 for a subsequent
 792 offense. Each day of violation shall constitute a separate offense; however, any violation of any
 793 out-of-service order issued under authority of such regulations or under authority of the Federal Motor
 794 Carrier Safety regulations shall be punished as provided in § 46.2-341.21 and the disqualification
 795 provisions of § 46.2-341.21 also shall apply to any driver so convicted.

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

805 E. Any records required to be maintained by motor carriers pursuant to regulations promulgated by
 806 the Superintendent under the authority of subsection A of this section shall be open to inspection during
 807 a carrier's normal business hours by specially trained members of the Department of State Police
 808 specifically designated by the Superintendent. Members of the Department of State Police designated for
 809 that purpose by the Superintendent shall also be authorized, with the consent of the owner, operator, or
 810 agent in charge or with an appropriate warrant obtained under the procedure prescribed in Chapter 24
 811 (§ 19.2-393 et seq.) of Title 19.2, to go upon the property of motor carriers to verify the accuracy of
 812 maintenance records by an inspection of the vehicles to which those records relate.

813 § 52-8.4:2. *Certain offenses to be considered traffic infractions.*

814 Notwithstanding subsection C of § 52-8.4, any violation of any of the following provisions of the
 815 regulations adopted pursuant to § 52-8.4 shall constitute traffic infractions as defined in § 46.2-100 and
 816 shall be eligible for designation as traffic infractions for which a pretrial waiver of appearance, plea of
 817 guilty, and fine payment may be accepted pursuant to § 16.1-69.40:1.

819 DESCRIPTION OF OFFENSE	CORRESPONDING SECTION
820	OF THE CODE OF FEDERAL
821	REGULATIONS

825 (a) General Violations

827 Marking of motor	
828 vehicle	49 C.F.R. §
829 390.21	

832 Railroad crossing/	
833 stopping	49 C.F.R. §
834 392.10	

837 (b) Driver Violations

839 No medical examiner's	
840 certificate	49 C.F.R. §
841 391.41	

844 Improper medical	
845 examiner's	

848		certificate	49 C.F.R. §
849	391.43		
850			
851		Medical certificate	
852			
853		invalid	49 C.F.R. §
854	391.43		
855			
856		No medical waiver	49 C.F.R. §
857	391.49		
858			
859		Ill/fatigued driver	49 C.F.R. §
860	392.3		
861			
862		Possess alcoholic	
863			
864		beverage	49 C.F.R. §
865	392.5		
866			
867		Hearing aid to be worn	49 C.F.R. §
868	392.9		
869			
870		Violate 10-hour rule,	
871			
872		15-hour rule	49 C.F.R. §
873	395.3		
874			
875		Violate 60/70-hour rule	49 C.F.R.
876	§ 395.3		
877			
878		Logbook violation	
879			
880		(general)	49 C.F.R. §
881	395.8		
882			
883		No logbook	49 C.F.R. §
884	395.8		
885			
886		Logbook not current	49 C.F.R. §
887	395.8		
888			
889		Fail to retain previous	
890			
891		7 days on logbook	49 C.F.R.
892	§ 395.8		
893			
894	(c)	Equipment Violations	
895			
896		Equipment-inspection/use	49 C.F.R. §
897	392.7		
898			
899		Emergency	
900			
901		equipment-inspection/use	49 C.F.R. §
902	392.8		
903			

904		<i>Safe loading (secured)</i>	49 C.F.R. §
905	392.9		
906			
907		<i>Brakes-inoperative or</i>	
908			
909		<i>missing</i>	49 C.F.R. §
910	393.40-§ 393.52		
911			
912		<i>Fuel tank securement</i>	49 C.F.R. §
913	393.65		
914			
915		<i>Fuel leak/cap</i>	49 C.F.R. §
916	393.67		
917			
918		<i>Coupling/towing devices</i>	49 C.F.R. §
919	393.70;§ 393.71		
920			
921		<i>Tire exceeds weight</i>	
922			
923		<i>limit</i>	49 C.F.R. §
924	393.75		
925			
926		<i>Bus violations</i>	49 C.F.R. §
927	393.89-§ 393.92		
928			
929		<i>Front end structure</i>	49 C.F.R. §
930	393.106		
931			
932		<i>Frame-cracked, loose,</i>	
933			
934		<i>sagging, broken</i>	49 C.F.R.
935	§ 393.201		
936			
937		<i>Cab/body</i>	
938			
939		<i>components-defective</i>	49 C.F.R. §
940	393.203		
941			
942		<i>Wheels/rims defective</i>	49 C.F.R. §
943	393.205		
944			
945		<i>Suspension-defective</i>	49 C.F.R. §
946	393.207		
947			
948		<i>Steering system-</i>	
949			
950		<i>defective</i>	49 C.F.R. §
951	393.209		
952			
953		<i>Vehicle maintenance</i>	
954			
955		<i>(general)</i>	49 C.F.R. §
956	396.3		
957			
958		<i>No driver vehicle</i>	
959			
960		<i>inspection report</i>	49 C.F.R.

961 § 396.11
 962
 963 No periodic inspection 49 C.F.R. §
 964 396.17-§ 396.25
 965
 966 (d) Hazardous Materials
 967
 968 Driving and Parking
 969
 970 Fail to attend Division
 971
 972 1.1, 1.2, or 1.3
 973
 974 material 49 C.F.R. §
 975 397.5
 976
 977 Fail to attend other
 978
 979 hazardous materials
 980
 981 class 49 C.F.R. §
 982 397.5
 983
 984 Improper parking Division
 985
 986 1.1, 1.2, or 1.3
 987
 988 material 49 C.F.R.
 989 § 397.7; §
 990 397.11
 991
 992 Improper parking other
 993
 994 hazardous materials 49 C.F.R.
 995 § 397.7; § 397.11
 996
 997 Fail to have route plan 49 C.F.R. §
 998 397.67
 999
 1000 Smoking violations 49 C.F.R. §
 1001 397.13
 1002
 1003 Instructions and document
 1004
 1005 violations 49 C.F.R. §
 1006 397.19
 1007
 1008
 1009 § 58.1-2401. Definitions.
 1010 As used in this chapter, unless the context clearly shows otherwise the term or phrase:
 1011 "Commissioner" shall mean the Commissioner of the Department of Motor Vehicles of the
 1012 Commonwealth.
 1013 "Daily rental passenger car vehicle" shall mean a motor vehicle, except a motorcycle or a mobile
 1014 home as defined in § 46.2-100, used for rental as defined in this section and for the transportation of
 1015 persons and having a gross vehicle weight of 9,000 pounds or less or property, whether on its own
 1016 structure or by drawing another vehicle or vehicles.
 1017 "Department" shall mean the Department of Motor Vehicles of this Commonwealth, acting through

1018 its duly authorized officers and agents.

1019 "Gross proceeds" shall mean the charges made or voluntary contributions received for the rental of a
1020 motor vehicle where the rental or lease agreement is for a period of less than twelve months.

1021 "Mobile office" shall mean an industrialized building unit not subject to the federal regulation, which
1022 may be constructed on a chassis for the purpose of towing to the point of use and designed to be used
1023 with or without a permanent foundation, for commercial use and not for residential use; or two or more
1024 such units separately towable, but designed to be joined together at the point of use to form a single
1025 commercial structure, and which may be designed for removal to, and installation or erection on other
1026 sites.

1027 "Motor vehicle" shall mean every vehicle, except for mobile office as herein defined, which is
1028 self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn by a
1029 motor vehicle, including mobile homes as defined in § 46.2-100 and every device in, upon and by which
1030 any person or property is, or can be, transported or drawn upon a highway, but excepting devices moved
1031 by human or animal power, devices used exclusively upon stationary rails or tracks and vehicles, other
1032 than mobile homes, used in this Commonwealth but not required to be licensed by the Commonwealth.

1033 "Rental" shall mean the transfer of the possession or use of a motor vehicle, whether or not the
1034 motor vehicle is required to be licensed by the Commonwealth, by a person for a consideration, without
1035 the transfer of the ownership of such motor vehicle, for a period of less than twelve months. Any fee
1036 arrangement between the holder of a permit issued by the State Corporation Commission *or the*
1037 *Department* for taxicab services and the driver or drivers of such taxicabs shall not be deemed a rental
1038 under this section.

1039 "Rental in the Commonwealth" shall mean any rental where a person received delivery of a motor
1040 vehicle within the Commonwealth. The term "Commonwealth" shall include all land or interest in land
1041 within the Commonwealth owned by or conveyed to the United States of America.

1042 "Rentor" shall mean a person engaged in the rental of motor vehicles for consideration as defined in
1043 this section.

1044 "Sale" shall mean any transfer of ownership or possession, by exchange or barter, conditional or
1045 otherwise, in any manner or by any means whatsoever, of a motor vehicle. The term shall also include a
1046 transaction whereby possession is transferred but title is retained by the seller as security. The term shall
1047 not include a transfer of ownership or possession made to secure payment of an obligation, nor shall it
1048 include a refund for, or replacement of, a motor vehicle of equivalent or lesser value pursuant to the
1049 Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.). Where the replacement motor
1050 vehicle is of greater value than the motor vehicle replaced, only the difference in value shall constitute a
1051 sale.

1052 "Sale price" shall mean the total price paid for a motor vehicle and all attachments thereon and
1053 accessories thereto, as determined by the Commissioner, exclusive of any federal manufacturers' excise
1054 tax, without any allowance or deduction for trade-ins or unpaid liens or encumbrances. However, "sale
1055 price" shall not include the cost of controls, lifts, automatic transmission, power steering, power brakes
1056 or any other equipment installed in or added to a motor vehicle which is required by law or regulation
1057 as a condition for operation of a motor vehicle by a handicapped person.

1058 § 58.1-2402. Levy.

1059 A. There is hereby levied, in addition to all other taxes and fees of every kind now imposed by law,
1060 a tax upon the sale or use of motor vehicles in Virginia, other than (i) *vehicles with a gross vehicle*
1061 *weight rating or gross combination weight rating of 26,001 pounds or more, or (ii) a sale to or use by a*
1062 *person for rental as an established business or part of an established business or incidental or germane to*
1063 *such business.*

1064 There shall also be levied a tax upon the rental of a motor vehicle in Virginia, without regard to
1065 whether such vehicle is required to be licensed by the Commonwealth. However, such tax shall not be
1066 levied upon a rental to a person for re-rental as an established business or part of an established
1067 business, or incidental or germane to such business.

1068 The amount of the tax to be collected shall be determined by the Commissioner by the application of
1069 the following ~~rate~~ *rates* against the gross sales price or gross proceeds:

1070 1. Three percent of the sale price of each motor vehicle sold in Virginia; however, if such vehicle is
1071 manufactured, converted or retrofitted to use clean special fuels, as defined in § 58.1-2101, as a source
1072 of propulsion, the tax shall be one and one-half percent of the sale price of each motor vehicle sold in
1073 Virginia. If such motor vehicle is a manufactured home as defined in § 36-85.3, the tax shall be three
1074 percent of the sale price of each such manufactured home sold in the Commonwealth; if such vehicle is
1075 a mobile office as defined in § 58.1-2401, the tax shall be two percent of the sale price of each mobile
1076 office sold in the Commonwealth.

1077 2. Three percent of the sale price of each motor vehicle, or three percent of the sale price of each
1078 manufactured home as defined in § 36-85.3, or two percent of the sale price of each mobile office as
1079 defined in § 58.1-2401, not sold in Virginia but used or stored for use in the Commonwealth. When any

such motor vehicle or manufactured home is first used or stored for use in Virginia six months or more after its acquisition, the tax shall be based on its current market value.

3. Four percent of the gross proceeds from the rental in Virginia of any motor vehicle, *except those with a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more.*

4. In addition to the tax levied pursuant to subdivision A 3, a tax of four percent of the gross proceeds shall be levied on the rental in Virginia of any daily rental ~~passenger ear~~ *vehicle*, whether or not such ~~ear~~ *vehicle* is required to be licensed in the Commonwealth.

5. The minimum tax levied on the sale of any motor vehicle in the Commonwealth shall be thirty-five dollars, except as provided by those exemptions defined in § 58.1-2403.

B. A transaction taxed under subdivision A 1 shall not also be taxed under subdivision A 2, nor shall the same transaction be taxed more than once under either subdivision. A motor vehicle subject to the tax imposed under subdivision A 3 shall be subject to the tax under either subdivision A 1 or A 2 when it ceases to be used for rental as an established business or part of an established business, or incidental or germane to such business.

C. Any motor vehicle, trailer or semitrailer exempt from this tax under subdivision 1 or 2 of § 58.1-2403 shall be subject to the tax, based on the current market value when such vehicle is no longer owned, rented or used by the United States government or any governmental agency, or the Commonwealth of Virginia or any political subdivision thereof. Further, any motor vehicle, trailer or semitrailer exempt from the tax imposed by this chapter under subdivision 11 of § 58.1-2403 or §§ 46.2-663 through 46.2-674 shall be subject to the tax, based on the current market value, when such vehicle is subsequently licensed to operate on the highways of this Commonwealth.

D. Any person who with intent to evade or to aid another person to evade the tax provided for herein, falsely states the selling price of a vehicle on a bill of sale, assignment of title, application for title, or any other document or paper submitted to the Commissioner pursuant to any provisions of this title or Title 46.2, shall be guilty of a Class 3 misdemeanor.

E. Effective January 1, 1997, any amount designated as a "processing fee" and any amount charged by a dealer for processing a transaction, which is required to be included on a buyer's order pursuant to subdivision 10 of § 46.2-1530, shall be subject to the tax.

§ 58.1-2403. Exemptions.

No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

1. Sold to, rented or used by the United States government or any governmental agency thereof;
2. Sold to, rented or used by the Commonwealth of Virginia or any political subdivision thereof;
3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;
4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any other recognized Indian tribe of the Commonwealth living on the tribal reservation;
5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the lienholder;
6. A mobile home permanently attached to real estate and included in the sale of real estate;
7. A gift to the spouse, son, or daughter of the transferor. This exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the transfer;
8. Transferred from an individual or partnership to a corporation or from a corporation to an individual or partnership if the transfer is incidental to the formation, organization or dissolution of a corporation in which the individual or partnership holds the majority interest;
9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent corporation to a wholly owned subsidiary;

10. Being registered for the first time in this Commonwealth and the applicant holds a valid, assignable title or registration issued to him by another state and (i) has owned the vehicle for longer than twelve months or (ii) has owned the vehicle for less than twelve months and provides evidence of a sales tax paid to another state. However, when a vehicle has been purchased by the applicant within the last twelve months and the applicant is unable to provide evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the fair market value of the vehicle at the time of registration in Virginia;

11. Titled in a Virginia motor vehicle dealer's name for resale if dealer's license plates are displayed when the vehicle is operated upon the public highways;

12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban bus line the majority of whose passengers use the buses for traveling a distance of less than forty miles, one way, on the same day;

13. Purchased in this Commonwealth by a nonresident and a Virginia title is issued for the sole purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than Virginia;

14. A motor vehicle designed for the transportation of ten or more passengers, purchased by and for

1141 the use of a church conducted not for profit;

1142 15. Loaned or leased to a private institution of learning not conducted for profit, for the sole purpose
1143 of use in the instruction of driver's education when such education is a part of such school's curriculum
1144 for full-time students;

1145 16. Sold to an insurance company for the sole purpose of disposition when such company has paid
1146 the registered owner of such vehicle a total loss claim;

1147 17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of
1148 foreign governments, their employees or agents, and members of their families, if such persons are
1149 nationals of the state by which they are appointed and are not citizens of the United States;

1150 18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a
1151 hospital not conducted for profit or a cooperative hospital service organization as described in § 501 (e)
1152 of the United States Internal Revenue Code;

1153 19. A motor vehicle having seats for more than seven passengers and sold to a restricted common
1154 carrier or common carrier of passengers;

1155 20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic
1156 or therapeutic service, sold to, rented to, or used by a hospital not conducted for profit, or a cooperative
1157 hospital service organization as described in § 501 (e) of the United States Internal Revenue Code, or a
1158 nonprofit corporation as defined in § 501 (c) (3) of the Internal Revenue Code, established for research
1159 in, diagnosis of, or therapy for human ailments;

1160 21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501 (c)
1161 (3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such
1162 organization; or

1163 22. A motor vehicle sold to an organization which is exempt from taxation under § 501 (c) (3) of the
1164 Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing,
1165 medicines and other necessities of life to, and providing shelter for, needy persons in the United States
1166 and throughout the world.

1167 23. *A motor vehicle with a gross vehicle weight rating or gross combination weight rating of 26,001*
1168 *pounds or more, in which case no tax shall be imposed pursuant to subdivisions 1 and 3 of subsection*
1169 *A of § 58.1-2402.*

1170 § 58.1-2425. Disposition of revenues.

1171 A. All funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury.
1172 The revenue so derived, after refunds have been deducted, is hereby allocated for the construction,
1173 reconstruction and maintenance of highways and the regulation of traffic thereon and for no other
1174 purpose. However, (i) all funds collected pursuant to the provisions of this chapter from mobile homes,
1175 as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such mobile home is
1176 to be situated as a dwelling, (ii) all funds collected from the additional tax imposed by subdivision A 4
1177 of § 58.1-2402 on the rental of daily rental ~~passenger cars~~ *vehicles* shall be distributed quarterly to the
1178 city, town, or county wherein such ~~car~~ *vehicle* was delivered to the rentee, and (iii) effective January 1,
1179 1987, an amount equivalent to the net additional revenues generated by enactments of the 1986 Special
1180 Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402
1181 and this section shall be distributed to and paid into the Transportation Trust Fund, and are hereby
1182 appropriated to the Commonwealth Transportation Board for transportation needs, and (iv) except as
1183 otherwise provided in subdivision (iii) of this sentence, all moneys collected from the tax on the gross
1184 proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A 3 of § 58.1-2402 at
1185 the tax rate in effect on December 31, 1986, shall be paid by the Commissioner into the state treasury
1186 and shall be set aside in a special fund to be used to meet the expenses of the Department of Motor
1187 Vehicles.

1188 B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation
1189 Trust Fund pursuant to ~~subdivision clause~~ (iii) of subsection A of this section, an aggregate of 4.2
1190 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set
1191 aside as the Commonwealth Airport Fund; and an aggregate of 8.4 percent shall be set aside as the
1192 Commonwealth Mass Transit Fund.

1193 § 58.1-2700. Definitions.

1194 Whenever used in this chapter, the term:

1195 "Carrier" means a person who operates or causes to be operated a commercial highway vehicle on
1196 any highway in the Commonwealth.

1197 "Department" means the Department of Motor Vehicles, acting through its officers and agents.

1198 "Identification marker" means a decal issued by the Department to show that a vehicle operated by a
1199 carrier is properly registered with the Department for the payment of the road tax.

1200 "IFTA" means the International Fuel Tax Agreement, as entered into by the Department, and as
1201 amended by the International Fuel Tax Association, Inc.

1202 "Licensee" means a carrier who holds an uncanceled IFTA license issued by the Commonwealth.

"Motor carrier" means every person, firm or corporation who owns or operates or causes to be operated on any highway in this Commonwealth any qualified highway vehicle.

"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.

"Qualified highway vehicle" means a highway vehicle used, designed, or maintained for transportation of persons or property that (i) has two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms, (ii) has three or more axles regardless of weight, or (iii) 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. "Qualified highway vehicle" does not include recreational vehicles.

"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.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

§ 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 recreational vehicle;
2. The first two Virginia-licensed trucks *and tractor trucks*, if used exclusively for farm use as defined in § 46.2-698 and if not licensed in any other state;
3. Qualified highway vehicles of a licensed highway vehicle dealer when operated without compensation for purposes incident to a sale or for demonstration; or
4. Any highway 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.

§ 58.1-3703. Counties, cities and towns may impose local license taxes and fees; limitation of authority.

A. The governing body of any county, city or town may charge a fee for issuing a license in an amount not to exceed \$100 for any locality with a population greater than 50,000, fifty dollars for any locality with a population of 25,000 but no more than 50,000 and thirty dollars for any locality with a population smaller than 25,000, and may levy and provide for the assessment and collection of county, city or town license taxes on businesses, trades, professions, occupations and callings and upon the persons, firms and corporations engaged therein within the county, city or town subject to the limitations provided in subsection B of this section. Any county, city or town with a population greater than 50,000 shall reduce the fee to an amount not to exceed fifty dollars by January 1, 2000. The ordinance imposing such license fees and levying such license taxes shall include the provisions of § 58.1-3703.1.

B. Any county, city or town by ordinance may exempt in whole or in part from the license tax the design, development or other creation of computer software for lease, sale or license.

C. No county, city, or town shall impose a license fee or levy any license tax:

1. On any public service corporation *or any motor carrier, common carrier, or other carrier of passengers or property formerly certified by the Interstate Commerce Commission or presently registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration*, except as provided in § 58.1-3731 or as permitted by other provisions of law;

2. For selling farm or domestic products or nursery products, ornamental or otherwise, or for the planting of nursery products, as an incident to the sale thereof, outside of the regular market houses and sheds of such county, city or town; provided, such products are grown or produced by the person offering such products for sale;

3. Upon the privilege or right of printing or publishing any newspaper, magazine, newsletter or other publication issued daily or regularly at average intervals not exceeding three months, provided the publication's subscription sales are exempt from state sales tax, or for the privilege or right of operating or conducting any radio or television broadcasting station or service;

4. On a manufacturer for the privilege of manufacturing and selling goods, wares and merchandise at wholesale at the place of manufacture;

5. On a person engaged in the business of severing minerals from the earth for the privilege of selling the severed mineral at wholesale at the place of severance, except as provided in §§ 58.1-3712 and 58.1-3713;

6. Upon a wholesaler for the privilege of selling goods, wares and merchandise to other persons for resale unless such wholesaler has a definite place of business or store in such county, city or town. This subdivision shall not be construed as prohibiting any county, city or town from imposing a local license

1264 tax on a peddler at wholesale pursuant to § 58.1-3718;

1265 7. Upon any person, firm or corporation for engaging in the business of renting, as the owner of
1266 such property, real property other than hotels, motels, motor lodges, auto courts, tourist courts, travel
1267 trailer parks, lodging houses, rooming houses and boardinghouses; however, any county, city or town
1268 imposing such a license tax on January 1, 1974, shall not be precluded from the levy of such tax by the
1269 provisions of this subdivision;

1270 8. Upon a wholesaler or retailer for the privilege of selling bicentennial medals on a nonprofit basis
1271 for the benefit of the Virginia Independence Bicentennial Commission or any local bicentennial
1272 commission;

1273 9. On or measured by receipts for management, accounting, or administrative services provided on a
1274 group basis under a nonprofit cost-sharing agreement by a corporation which is an agricultural
1275 cooperative association under the provisions of Chapter 3, Article 2 (§ 13.1-312 et seq.) of Chapter 3 of
1276 Title 13.1, or a member or subsidiary or affiliated association thereof, to other members of the same
1277 group. This exemption shall not exempt any such corporation from such license or other tax measured
1278 by receipts from outside the group;

1279 10. On or measured by receipts or purchases by a corporation which is a member of an affiliated
1280 group of corporations from other members of the same affiliated group. This exclusion shall not exempt
1281 affiliated corporations from such license or other tax measured by receipts or purchases from outside the
1282 affiliated group. This exclusion also shall not preclude a locality from levying a wholesale merchant's
1283 license tax on an affiliated corporation on those sales by the affiliated corporation to a nonaffiliated
1284 person, company, or corporation, notwithstanding the fact that the wholesale merchant's license tax
1285 would be based upon purchases from an affiliated corporation. Such tax shall be based on the purchase
1286 price of the goods sold to the nonaffiliated person, company, or corporation. As used in this subdivision
1287 the term "sales by the affiliated corporation to a nonaffiliated person, company or corporation" shall
1288 mean means sales by the affiliated corporation to a nonaffiliated person, company or corporation where
1289 goods sold by the affiliated corporation or its agent are manufactured or stored in the Commonwealth
1290 prior to their delivery to the nonaffiliated person, company or corporation.

1291 11. On any insurance company subject to taxation under Chapter 25 (§ 58.1-2500 et seq.) of this title
1292 or on any agent of such company;

1293 12. On any bank or trust company subject to taxation in Chapter 12 (§ 58.1-1200 et seq.) of this
1294 title;

1295 13. Upon a taxicab driver, if the locality has imposed a license tax upon the taxicab company for
1296 which the taxicab driver operates;

1297 14. On any blind person operating a vending stand or other business enterprise under the jurisdiction
1298 of the Department for the Visually Handicapped, or a nominee of the Department, as set forth in
1299 § 63.1-164;

1300 15. (Expires July 1, 1997) On any hospital, college, university, or other institution of learning not
1301 organized or conducted for pecuniary profit which by reason of its purposes or activities is exempt from
1302 income tax under the laws of the United States unless such tax was enacted by the local governing body
1303 prior to January 15, 1991. The provisions of this subdivision shall expire on July 1, 1997;

1304 16. [Repealed.]

1305 17. On an accredited religious practitioner in the practice of the religious tenets of any church or
1306 religious denomination. "Accredited religious practitioner" shall be defined as one who is engaged solely
1307 in praying for others upon accreditation by such church or religious denomination;

1308 18. (a) On or measured by receipts of a charitable nonprofit organization except to the extent the
1309 organization has receipts from an unrelated trade or business the income of which is taxable under
1310 Internal Revenue Code § 511 et seq. For the purpose of this subdivision, "charitable nonprofit
1311 organization" means an organization which is described in Internal Revenue Code § 501 (c) (3) and to
1312 which contributions are deductible by the contributor under Internal Revenue Code § 170, except that
1313 educational institutions shall be limited to schools, colleges and other similar institutions of learning.

1314 (b) On or measured by gifts, contributions, and membership dues of a nonprofit organization.
1315 Activities conducted for consideration which are similar to activities conducted for consideration by
1316 for-profit businesses shall be presumed to be activities that are part of a business subject to licensure.
1317 For the purpose of this subdivision, "nonprofit organization" means an organization exempt from federal
1318 income tax under Internal Revenue Code § 501 other than charitable nonprofit organizations; or

1319 19. On any venture capital fund or other investment fund, except commissions and fees of such
1320 funds. Gross receipts from the sale and rental of real estate and buildings remain taxable by the locality
1321 in which the real estate is located provided the locality is otherwise authorized to tax such businesses
1322 and rental of real estate.

1323 2. That §§46.2-659, 46.2-699, and 46.2-769 of the Code of Virginia are repealed.