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SENATE BILL NO. 1263

Offered January 13, 2003

A *BILL to amend and reenact §§ 46.2-2100 and 46.2-2101 of the Code of Virginia, relating to courier service vehicles.*

Patron—Bolling

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-2100 and 46.2-2101 of the Code of Virginia are amended and reenacted as follows:
§ 46.2-2100. Definitions.

Whenever used in this chapter, unless expressly stated otherwise:

"Authorized insurer" means, in the case of an interstate motor carrier whose operations may or may not include intrastate activity, an insurer authorized to transact business in any one state, or, in the case of a solely intrastate motor carrier, an insurer authorized to transact business in the Commonwealth.

"Broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who, as principal or agent, sells or offers for sale any transportation subject to this chapter, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

"Bulk commodity" means any non-liquid, non-gaseous commodity shipped loose or in mass/aggregate and which in the loading and unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed or which is not in containers or in units of such size to permit piece by piece loading and unloading.

"Bulk property carrier" means any person, not herein exempted, who undertakes either directly or by lease, to transport exclusively bulk commodities, as defined, for compensation including for purposes of this section for hire wrecker operations.

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

"Constructive weight" means a measurement of seven pounds per cubic foot of properly loaded van space.

"Courier service" means a motor carrier that engages, directly or by lease, exclusively in the transportation of letters, envelopes, negotiable or nonnegotiable instruments, or other documents or papers for compensation.

"Department" means the Department of Motor Vehicles.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in this chapter.

"Gross weight" means the weight of a truck after a shipment has been loaded.

"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, 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 a restricted common carrier 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.

"Identification marker" means a decal or other visible identification issued by the Department to show (i) that the operator of the vehicle has registered with the Department for the payment of the road tax imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, (ii) proof of the possession of a certificate or permit issued pursuant to Chapter 21 (§ 46.2-2100 et seq.) of this title, and/or (iii) proof of compliance with the insurance requirements of this chapter.

"Interstate" means the transportation of property between states.

"Intrastate" means the transportation of property solely within a state.

"License" means a license issued by the Department to a broker.

"Motor carrier" means any person who undertakes whether directly or by a lease, to transport

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SB1263

59 property, including household goods, as defined by this chapter, for compensation over the highways of
60 the Commonwealth.

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

64 "Net weight" means the tare weight subtracted from the gross weight.

65 "Permit" means a permit issued by the Department authorizing the transportation of property,
66 excluding household goods transported for a distance greater than thirty road miles.

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

69 "Property carrier" means any person, not herein exempted, who undertakes either directly or by a
70 lease, to transport property for compensation.

71 "Restricted common carrier" means any person who undertakes, whether directly or by a lease or
72 other arrangement, to transport household goods by motor vehicle for compensation whether over regular
73 or irregular routes.

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

78 "Single state insurance receipt" means any receipt issued pursuant to 49 C.F.R. Part 367 evidencing
79 that the carrier has the required insurance and paid the requisite fees to the Commonwealth and other
80 qualified jurisdictions.

81 "Tare weight" means the weight of a truck before being loaded at a shipper's residence or place of
82 business, including the pads, dollies, hand-trucks, ramps and other equipment normally used in the
83 transportation of household goods shipments.

84 § 46.2-2101. Exemptions from chapter.

85 The following are exempt from this chapter:

86 1. Motor vehicles owned and operated by the United States, District of Columbia, any state,
87 municipality, or any other political subdivision of the Commonwealth.

88 2. Transportation of property between any point in this Commonwealth and any point outside this
89 Commonwealth or between any points wholly within the limits of any city or town in this
90 Commonwealth.

91 3. Motor vehicles controlled and operated by a bona fide cooperative association as defined in the
92 Federal Marketing Act, approved June 15, 1929, as amended, or organized or existing under Article 2
93 (§ 13.1-312 et seq.) of Chapter 3 of Title 13.1, while used exclusively in the conduct of the business of
94 such association.

95 4. Motor vehicles while used exclusively in (i) carrying newspapers, water, livestock, poultry, poultry
96 products, buttermilk, fresh milk and cream, meats, butter and cheese produced on a farm, fish (including
97 shellfish), slate, horticultural or agricultural commodities (not including manufactured products thereof),
98 and forest products, including lumber and staves (but not including manufactured products thereof), (ii)
99 transporting farm supplies to a farm or farms, (iii) hauling for the Department of Transportation, (iv)
100 carrying fertilizer to any warehouse or warehouses for subsequent distribution to a local area farm or
101 farms, or (v) collecting and disposing of trash, garbage and other refuse.

102 5. Motor vehicles used for transporting property by an air carrier or carrier affiliated with a direct air
103 carrier whether or not such property has had or will have a prior or subsequent air movement.

104 6. *Motor carriers exclusively operating vehicles with a registered gross weight of 7,500 pounds or*
105 *less for the sole purpose of providing courier service.*