

061859204

**HOUSE BILL NO. 5054**

Offered September 15, 2006

*A BILL to amend and reenact §§ 15.2-2286, 15.2-4831, 15.2-4832, 15.2-4834, 46.2-332, 46.2-753, 58.1-300, 58.1-520, and 58.1-2403 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 15.2-4838.1, 15.2-4838.2, 46.2-755.1, 46.2-755.2, 58.1-816.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1, and to repeal Article 22 (§ 58.1-540 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia, relating to supplemental transportation funding for Northern Virginia.*

Patrons—Albo, Rust, Callahan, May, McQuigg, Scott, J.M., Sickles and Watts

Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-2286, 15.2-4831, 15.2-4832, 15.2-4834, 46.2-332, 46.2-753, 58.1-300, 58.1-520, and 58.1-2403 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-4838.1, 15.2-4838.2, 46.2-755.1, 46.2-755.2, 58.1-816.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1 as follows:**

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307. Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building,

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59 structure, or improvements, if the administrator finds in writing that: (i) the strict application of the  
60 ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties  
61 in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not  
62 be of substantial detriment to adjacent property and the character of the zoning district will not be  
63 changed by the granting of the modification. Prior to the granting of a modification, the zoning  
64 administrator shall give, or require the applicant to give, all adjoining property owners written notice of  
65 the request for modification, and an opportunity to respond to the request within 21 days of the date of  
66 the notice. The zoning administrator shall make a decision on the application for modification and issue  
67 a written decision with a copy provided to the applicant and any adjoining landowner who responded in  
68 writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall  
69 constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning  
70 appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the  
71 circuit court as provided by § 15.2-2314.

72 The zoning administrator shall respond within 90 days of a request for a decision or determination  
73 on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

74 5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any  
75 such violation shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1,000.  
76 If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or  
77 remedy the violation in compliance with the zoning ordinance, within a time period established by the  
78 court. Failure to remove or abate a zoning violation within the specified time period shall constitute a  
79 separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any  
80 such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for  
81 each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

82 6. a. For the collection of fees to cover the cost of making inspections, issuing permits, advertising  
83 of notices and other expenses incident to the administration of a zoning ordinance or to the filing or  
84 processing of any appeal or amendment thereto.

85 b. *Beginning January 1, 2007, the governing bodies of the Counties of Arlington, Fairfax, Loudoun,*  
86 *and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park*  
87 *are specifically authorized to collect fees to cover the cost of issuing permits for residential uses as*  
88 *follows: \$7,000 for a new single-family detached dwelling; \$6,000 for a new townhouse; and \$5,000 for*  
89 *a multi-family dwelling unit. The governing body of the locality shall appropriate the revenues collected*  
90 *from the fees imposed pursuant to this paragraph into the Special Transportation Fund for Northern*  
91 *Virginia established pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.*

92 7. For the amendment of the regulations or district maps from time to time, or for their repeal.  
93 Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the  
94 governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or  
95 classifications of property. Any such amendment may be initiated (i) by resolution of the governing  
96 body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract  
97 purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the  
98 subject of the proposed zoning map amendment, addressed to the governing body or the local planning  
99 commission, who shall forward such petition to the governing body; however, the ordinance may  
100 provide for the consideration of proposed amendments only at specified intervals of time, and may  
101 further provide that substantially the same petition will not be reconsidered within a specific period, not  
102 exceeding one year. Any such resolution or motion by such governing body or commission proposing  
103 the rezoning shall state the above public purposes therefor.

104 In any county having adopted such zoning ordinance, all motions, resolutions or petitions for  
105 amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such  
106 reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or  
107 consents to action beyond such period or unless the applicant withdraws his motion, resolution or  
108 petition for amendment to the zoning ordinance or map, or both. In the event of and upon such  
109 withdrawal, processing of the motion, resolution or petition shall cease without further action as  
110 otherwise would be required by this subdivision.

111 8. For the submission and approval of a plan of development prior to the issuance of building  
112 permits to assure compliance with regulations contained in such zoning ordinance.

113 9. For areas and districts designated for mixed use developments or planned unit developments as  
114 defined in § 15.2-2201.

115 10. For the administration of incentive zoning as defined in § 15.2-2201.

116 11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that  
117 would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange  
118 for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the  
119 higher zoning classification. The locality may establish reasonable guidelines for determining the amount  
120 of excess real estate tax collected and the method and duration for applying the tax credit. For purposes

of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. (Repealed effective July 1, 2007) Provisions for the clustering of single-family dwellings so as to preserve open space.

a. A locality may, at its option, provide in its zoning or subdivision ordinance standards, conditions and criteria for clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions and criteria, the governing body may, in its discretion, include any provisions it determines appropriate to ensure quality development, preservation of open space and compliance with its comprehensive plan and land use ordinances. The density calculation of the cluster development shall be based upon the same criteria for the property as would otherwise be permitted by applicable land use ordinances. As a locality determines, at its option, to provide for clustering of single-family dwellings and the preservation of open space developments, it may vary provisions for such developments for each different zoning area within the locality.

If proposals for clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. However, any such ordinance may exempt (i) developments of two acres or less and (ii) property located in an Air Installation Compatible Use Zone from the provisions of this subdivision.

b. Additionally, in any zoning or subdivision ordinance adopted pursuant to subdivision A 12, a locality may, at its option, provide for the clustering of single-family dwellings and the preservation of open space at a density calculation greater than the density permitted in the applicable land use ordinance. To implement and approve such increased density development, the locality may, at its option, (i) establish and provide in its zoning or subdivision ordinance standards, conditions, and criteria for such development, and if the proposed development complies with those standards, conditions and criteria, it shall be permitted by right and approved administratively by the locality staff in the same manner provided in subdivision A 12 a, or (ii) approve the increased density development upon approval of a special exception, special use permit, conditional use permit or rezoning.

c. Any locality that provides for clustering of single-family dwellings and preservation of open space upon approval of a special exception, special use permit, conditional use permit or rezoning shall no later than July 1, 2004, amend its applicable land use ordinance to comply with the provisions of subdivision A 12. Any land use provisions for clustering of single-family dwellings and preservation of open space adopted after the effective date of this act shall comply with subdivision A 12. Notwithstanding any of the requirements of subdivision A 12 to the contrary, any local government land use ordinance in affect as of January 1, 2002, that provides for the clustering of single-family dwellings and preservation of open space development by right without requiring either a special exception, special use permit, conditional use permit or other discretionary approval may remain in effect at the option of the locality.

13. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time skill, and administrative expense involved in such review.

14. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

B. Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes owed to the locality which have been properly assessed against the subject property have been paid.

§ 15.2-4831. Counties and cities embraced by the Authority.

The Authority shall embrace the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; *provided, however, that if any such county or city is not imposing all of the taxes and the fees authorized pursuant to subdivision*

182 A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1,  
183 58.1-3221.2, and 58.1-3825.1 at any time on or after January 1, 2007, then such county or city shall  
184 not be embraced within the Authority.

185 § 15.2-4832. Composition of Authority; membership; terms.

186 The Authority shall consist of ~~16~~ members as follows:

187 The chief elected officer of the governing body of each county and city embraced by the Authority  
188 or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of  
189 such governing body;

190 ~~Two~~Four members of the House of Delegates who reside in different counties or cities embraced by  
191 the Authority, appointed by the Speaker of the House, to the extent practicable, from the membership of  
192 the House Committee on Appropriations, the House Committee on Finance, or the House Committee on  
193 Transportation;

194 ~~One member~~Two members of the Senate who ~~resides in a county or city~~ reside in different counties  
195 or cities embraced by the Authority, appointed by the Senate Committee on Rules, to the extent  
196 practicable, from the membership of the Senate Committee on Finance and the Senate Committee on  
197 Transportation; and

198 One mayor of a town with a population greater than 3,500 that is within any county embraced by  
199 the Authority, appointed by the Governor, with future appointees to this position rotated equally among  
200 all such towns; and

201 Two citizens who reside in *different* counties ~~and~~ or cities embraced by the Authority, appointed by  
202 the Governor. One gubernatorial appointment shall include a member of the Commonwealth  
203 Transportation Board who resides in a county or city embraced by the Authority. The remaining  
204 gubernatorial appointment shall be a person who has significant experience in transportation planning,  
205 finance, engineering, construction, or management and shall be a resident of a county or city embraced  
206 by the Authority, but shall not be a resident of the same county or city as the other gubernatorial  
207 appointee to the Authority.

208 Legislative members shall serve terms coincident with their terms of office. The gubernatorial  
209 appointee who is not a member of the Commonwealth Transportation Board shall serve for a term of  
210 four years. *The mayor of a town member shall serve for a term of two years.* Vacancies occurring other  
211 than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same  
212 manner as the original appointments.

213 In addition, the following persons shall serve as nonvoting members of the Authority: the Director of  
214 the Virginia Department of Rail and Public Transportation, or his designee, ~~and~~ the Commonwealth  
215 Transportation Commissioner, or his designee, *and the Northern Virginia District Administrator for the*  
216 *Virginia Department of Transportation, or his designee.*

217 § 15.2-4834. Decisions of Authority.

218 A majority of the Authority, which majority shall include at least a majority of the representatives of  
219 the counties and cities embraced by the Authority, shall constitute a quorum; *provided that members*  
220 *appointed from the House of Delegates or Senate shall not be considered in calculating a quorum.*  
221 Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures  
222 established by the Authority. In all cases, decisions of the Authority shall require the affirmative vote of  
223 two-thirds of the members of the Authority present and voting, and two-thirds of the ~~representatives of~~  
224 ~~the counties and cities~~ *members whose membership is as the chief executive officer, or his designee, of*  
225 *each county and city* embraced by the Authority who are present and voting and whose counties and  
226 cities include at least two-thirds of the population embraced by the Authority; however, no motion to  
227 fund a specific facility or service shall fail because of this population criterion if such facility or service  
228 is not located or to be located or provided or to be provided within the county or city whose  
229 representative's sole negative vote caused the facility or service to fail to meet the population criterion.  
230 The population of counties and cities embraced by the Authority shall be the population as determined  
231 by the most recently preceding decennial census, except that on July 1 of the fifth year following such  
232 census, the population of each county and city shall be adjusted, based on population projections made  
233 by the Weldon Cooper Center for Public Service of the University of Virginia.

234 The Authority shall appoint the chairman and vice-chairman.

235 § 15.2-4838.1. *Special Transportation Fund for Northern Virginia established.*

236 *There is hereby created in the state treasury a special nonreverting fund to be known as the Special*  
237 *Transportation Fund for Northern Virginia, hereafter referred to as "the Fund." The Fund shall be*  
238 *established on the books of the Comptroller. All revenues dedicated for the Fund pursuant to subdivision*  
239 *A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-816.2,*  
240 *58.1-2402.1, 58.1-3221.2, and 58.1-3825.1 and as may be appropriated by the General Assembly shall*  
241 *be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall*  
242 *remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon,*  
243 *at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.*

Moneys in the Fund shall be used by the Authority solely for the purposes stated in this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman of the Authority or his designee.

§ 15.2-4838.2. Use of certain revenues by the Authority.

Notwithstanding any other provision of this chapter, the revenues deposited into the Special Transportation Fund for Northern Virginia pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-816.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1 shall be used as follows:

A. Up to the first \$50 million deposited into the Fund in each year, through the year 2017, shall be distributed to the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to the Authority as may be required under federal law for the payment of certain federal funds to WMATA and shall be used for capital improvements for WMATA's transit service (Metro). The Authority shall make such annual distribution from such revenues (i) only to the extent required under federal law for the payment of federal funds to WMATA, (ii) only if the matching federal funds are exclusive of, and in addition to, the amount of other federal funds appropriated to the Commonwealth for transportation and such other federal funds are in an amount not less than the amount of such funds appropriated to the Commonwealth in the fiscal year ending June 30, 2006, and (iii) only if the County of Arlington and the City of Alexandria are embraced within the Authority. For each year after 2017 the first \$50 million deposited into the Fund shall be used for the expansion of Metro or other rail service into Prince William County;

B. The next \$30 million deposited into the Fund in each fiscal year shall be distributed to the Virginia Railway Express for capital improvements including but not limited to construction of parking, dedicated rail on the Fredericksburg line, rolling stock, expanded service to Prince William, and service as may be needed as a result of Base Realignment and Closure Commission regarding Fort Belvoir. The Authority shall make such annual distribution from such revenues (i) only if matching state funds are appropriated, exclusive of, and in addition to the amount of state funds appropriated for such purpose in the fiscal year ending June 30, 2006, and (ii) only if Prince William County is embraced within the Authority;

C. At least 25% of the revenues from such sources remaining after the distributions under subsection A and B shall be dedicated for use on urban, and secondary road construction and improvement for the localities that are embraced by the Authority as determined by the Authority in consultation with members of the governing bodies of the localities embraced by the Authority, and members of the General Assembly representing any locality embraced by the Authority. The funds under this subsection shall be distributed to the localities embraced by the Northern Virginia Transportation Authority on a pro rata basis with each locality's share being the total fees and taxes generated or attributable to the locality pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-816.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1 divided by the total fees and taxes generated by all localities imposing the fees pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-816.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1;

D. At least 20% of the revenues from such sources remaining after the distributions under subsections A and B shall be distributed to the localities embraced by the Northern Virginia Transportation Authority on a pro rata basis with each locality's share being the total fees and taxes generated or attributable to the locality pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-816.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1 divided by the total fees and taxes generated by all localities imposing the fees pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-816.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1. The revenues distributed pursuant to this subsection shall be used solely for transportation capital improvements as determined solely by the applicable locality. None of this revenue may be used to repay debt undertaken before January 1, 2007. Each locality shall provide annually to the Northern Virginia Transportation Authority sufficient documentation as required by the Authority showing that the funds distributed under this subsection were used as required by this subsection. The funds under this subsection shall be conditioned on the following:

1. That such funds be distributed to the localities embraced by the Northern Virginia Transportation Authority on a pro rata basis with each locality's share being the total fees and taxes generated or attributable to the locality pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-816.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1 divided by the total fees and taxes generated by all localities imposing the fees pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-816.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1;

2. That urban road construction funded in whole or in part under this subsection be performed by cities pursuant to subdivision D of § 33.1-23.3;

305 3. That at the request of any county embraced by the Authority, all state secondary road construction  
306 funding due such county be transferred to such county, provided that the county assumes full  
307 responsibility for planning and constructing secondary roads pursuant to § 33.1-84.1;

308 E. Beginning at the time the second half of the Dulles Rail project is constructed, at least \$20  
309 million shall be dedicated annually for the Dulles Rail project, provided there are federal matching  
310 funds appropriated; and

311 F. All other remaining revenues from such sources shall be used by the Authority solely for  
312 transportation projects for the localities that are embraced by the Authority as determined by the  
313 Authority in consultation with members of the governing bodies of the localities embraced by the  
314 Authority, and members of the General Assembly representing any locality embraced by the Authority,  
315 or as may be required by any other law, solely for transportation projects for the localities that are  
316 embraced by the Authority. All transportation projects undertaken by the Northern Virginia  
317 Transportation Authority shall be completed by private contractors accompanied by performance  
318 measurement standards, and contractors who do not meet the standards shall be terminated. The  
319 Authority shall avail itself of the strategies permitted under the Public-Private Transportation Act  
320 (§ 56-556 et seq.) whenever feasible and advantageous. The Authority is independent of any state or  
321 local entity, including the Virginia Department of Transportation and the Commonwealth Transportation  
322 Board, but the Authority and VDOT and CTB shall consult with each other to avoid duplication of  
323 efforts, and, at the option of the Authority, may combine efforts to complete specific projects. When  
324 determining what projects to construct, the Authority shall base its decisions on the combination (i)  
325 equitably distributes the funds throughout the participating localities, and (ii) constructs projects that  
326 move the most people or commercial traffic in the most cost-effective manner.

327 § 46.2-332. Fees.

328 A. On and after January 1, 1990, the fee for each driver's license other than a commercial driver's  
329 license shall be two dollars and forty cents per year. If the license is a commercial driver's license or  
330 seasonal restricted commercial driver's license, the fee shall be six dollars per year. Persons twenty-one  
331 years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license  
332 for an additional fee of five dollars. For any one or more driver's license endorsements, except a  
333 motorcycle endorsement, there shall be an additional fee of one dollar per year; for a motorcycle  
334 endorsement, there shall be an additional fee of two dollars per year. For any and all driver's license  
335 classifications, there shall be an additional fee of one dollar per year. For any revalidation of a seasonal  
336 restricted commercial driver's license, the fee shall be five dollars.

337 A reexamination fee of two dollars shall be charged for each administration of the knowledge portion  
338 of the driver's license examination taken by an applicant who is eighteen years of age or older if taken  
339 more than once within a fifteen-day period. The reexamination fee shall be charged each time the  
340 examination is administered until the applicant successfully completes the examination, if taken prior to  
341 the fifteenth day.

342 An applicant who is less than eighteen years of age who does not successfully complete the  
343 knowledge portion of the driver's license examination shall not be permitted to take the knowledge  
344 portion more than once in fifteen days.

345 If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or  
346 town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be  
347 exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial  
348 motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for  
349 completion by persons claiming exemption from additional fees imposed by this section.

350 No additional fee above two dollars and forty cents per year shall be assessed for the driver's license  
351 or commercial driver's license required for the operation of a school bus.

352 Excluding the two-dollar reexamination fee, one dollar and fifty cents of all fees collected for each  
353 original or renewal driver's license shall be paid into the driver education fund of the state treasury and  
354 expended as provided by law. Unexpended funds from the driver education fund shall be retained in the  
355 fund and be available for expenditure in ensuing years as provided therein.

356 All fees for motorcycle endorsements shall be distributed as provided in § 46.2-1191.

357 B. Beginning January 1, 2007, in addition to all other fees authorized by this chapter, the governing  
358 bodies of the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria,  
359 Fairfax, Falls Church, Manassas, and Manassas Park are authorized to impose an additional fee of  
360 \$200 for the initial issuance of a driver's license to be collected by the Commissioner. Such additional  
361 fee shall not, however, be imposed for the issuance of a driver's license to any person to whom a  
362 Virginia driver's license was previously issued, but whose Virginia driver's license had expired or had  
363 been suspended or revoked. Furthermore, the amount of such additional fee shall, for any minor who  
364 presents proof thereof satisfactory to the Commissioner, be waived for the successful completion of a  
365 driver safety course approved by the Department. Any and all fees imposed pursuant to this section  
366 shall be collected by the Department of Motor Vehicles at the time the initial license is issued. Every fee

shall be denominated by the Department as the "Northern Virginia Transportation Improvement Fee," and shall be transmitted by the Department to the locality wherein the vehicle is registered.

The governing body of the locality shall appropriate the revenues collected from the additional fees imposed pursuant to this section into the Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.

This section shall supersede conflicting provisions of this chapter.

§ 46.2-753. Additional license fees in certain localities.

Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those specified in § 46.2-752, on passenger cars not used for the transportation of passengers for compensation. The additional fee shall be no more than five dollars. The total local license fee shall be no more than twenty-five dollars on any vehicle, *excluding any fee imposed pursuant to § 46.2-755.1*, and this license fee shall not be imposed on any motor vehicle exempted under § 46.2-739.

The governing bodies are also authorized to charge additional annual license fees on the motor vehicles, trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than five dollars for each such vehicle, *excluding any fee imposed pursuant to § 46.2-755.1*. This authorization shall not increase the maximum chargeable by more than five dollars or affect any existing exemption.

Any funds acquired, *pursuant to this section*, in excess of those allowed by § 46.2-752, shall be allocated to the Northern Virginia Transportation Commission to be a credit to that jurisdiction making the payment for its share of any operating deficit assigned to it by the Washington Metropolitan Area Transit Authority.

§ 46.2-755.1. Additional annual license fees in certain localities.

In addition to taxes and license fees imposed pursuant to §§ 46.2-752 and 46.2-753 and to all other taxes and fees permitted by law, beginning January 1, 2007, the governing bodies of the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park are authorized to charge additional annual license fees as follows: \$30 for passenger cars and pickup trucks; \$40 for panel trucks; \$20 for trailers and semitrailers; \$15 for motorcycles; \$25 per axle for trucks; and \$12 for all other vehicles for which the locality is authorized to collect an annual license fee. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor Vehicles at the time the vehicle is registered with the Department or when its registration is renewed. Every fee shall be denominated by the Department as the "Northern Virginia Transportation Improvement Fee," and shall be transmitted by the Department to the locality wherein the vehicle is registered.

The governing body of the locality shall appropriate the revenues collected from the additional fees imposed pursuant to this section into the Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.

§ 46.2-755.2. Additional initial license fees in certain localities.

In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other fees permitted by law, beginning January 1, 2007, the governing bodies of the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park are authorized to charge an additional initial, one-time license fee on all vehicles for which the locality is authorized to impose an annual license fee, at the rate of 0.75% of the retail value of the vehicle according to the National Automobile Dealers Association at the time the vehicle is first registered in the locality by the owner of the vehicle. License fees authorized by this section shall be imposed only once, so long as the ownership of the vehicle upon which they are imposed remains unchanged. All such additional license fees shall be paid to and collected by the Department of Motor Vehicles, and shall not be collectable or collected by any licensed dealer at the time of the sale of any vehicle. Every such additional license fee shall be denominated by the Department as the "Northern Virginia Transportation Improvement Initial Registration Fee" and shall be transmitted by the Department to the locality wherein the vehicle is registered.

The governing body of the locality shall appropriate the revenues collected from the additional fees imposed pursuant to this section into the Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.

§ 58.1-300. Incomes not subject to local taxation.

~~Except as provided in § 58.1-540, no~~ No county, city, town or other political subdivision of this Commonwealth shall impose any tax or levy upon incomes, incomes being hereby segregated for state taxation only.

§ 58.1-520. Definitions.

As used in this article:

"Claimant agency" means any administrative unit of state, county, city or town government, including department, institution, commission, authority, or the office of Executive Secretary of the

Supreme Court, any circuit or district court and the Internal Revenue Service. All state agencies and institutions shall participate in the setoff program.

"Debtor" means any individual having a delinquent debt or account with any claimant agency which obligation has not been satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Delinquent debt" means any liquidated sum due and owing any claimant agency, or any restitution ordered paid to a clerk of the court pursuant to Title 19.2, including any amount of court costs or fines which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made.

"Mailing date of notice" means the date of notice appearing thereon.

"Refund" means any individual's Virginia state ~~or local~~ income tax refund payable pursuant to §§ 58.1-309 and ~~58.1-546~~. This term also includes any refund belonging to a debtor resulting from the filing of a joint income tax return or a refund belonging to a debtor resulting from the filing of a return where husband and wife have elected to file a combined return and separately state their Virginia taxable incomes under the provisions of § 58.1-324 B 2.

*§ 58.1-816.2. Distribution of recordation tax to certain cities and counties.*

*Beginning January 1, 2007, an amount equivalent to 10 cents on every \$100 or fraction thereof of the consideration or the actual value of the property conveyed, whichever is greater, for each deed or other instrument for which a tax is imposed pursuant to §§ 58.1-801 through 58.1-809 which is attributable to deeds and other instruments recorded in the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William shall be deposited by the Comptroller into the Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1.*

*§ 58.1-2402.1. Local rental car transportation impact fee.*

*A. Beginning January 1, 2007, in addition to all other taxes, fees, and other charges imposed under law, the governing bodies of the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park may, by ordinance, impose a fee of 2% of the gross proceeds on the rental in the locality of any daily rental vehicle regardless of whether such vehicle is required to be licensed in the Commonwealth, provided that the governing body of the locality appropriates the revenues collected from such tax to the Northern Virginia Transportation Authority established under Chapter 48.2 (§ 15.2-4829 et seq.) of Title 15.2. The fee shall not be levied upon a rental to a person for re-rental as an established business or part of an established business, or incidental or germane to such business.*

*B. All such rental fees paid to the Commissioner pursuant to this section shall be distributed to the Northern Virginia Transportation Authority, and upon receipt of such moneys, the Authority shall deposit such moneys in the Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.*

*C. The fee imposed pursuant to the authority granted under this section shall be implemented, enforced, and collected in the same manner that rental taxes under this chapter are implemented, enforced, and collected.*

*§ 58.1-2403. Exemptions.*

No tax shall be imposed as provided in § 58.1-2402 or 58.1-2402.1 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 manufactured 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. With the exception of a gift to a spouse, 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 limited liability company or from a corporation or limited liability company to an individual or partnership if the transfer is incidental to the formation, organization or dissolution of a corporation or limited liability company 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 or a branch of the United States Armed Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less



than 12 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 12 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 or non-Virginia motor vehicle dealer's name for resale;

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 40 miles, one way, on the same day;

13. Purchased in the 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 10 or more passengers, purchased by and for the use of a church conducted not for profit;

15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the instruction of driver's education when such education is a part of such school's curriculum for full-time students;

16. Sold to an insurance company or local government group self-insurance pool, created pursuant to § 15.2-2703, for the sole purpose of disposition when such company has paid the registered owner of such vehicle a total loss claim;

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

18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a nonprofit hospital or a cooperative hospital service organization as described in § 501 (e) of the United States Internal Revenue Code;

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

20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital service organization as described in § 501 (e) of the United States Internal Revenue Code, or a nonprofit corporation as defined in § 501 (c) (3) of the Internal Revenue Code, established for research in, diagnosis of, or therapy for human ailments;

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

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

23. A truck, tractor truck, trailer, or semitrailer, as severally defined in § 46.2-100, except trailers and semitrailers not designed or used to carry property and vehicles registered under § 46.2-700, with a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more, in which case no tax shall be imposed pursuant to subdivisions 1 and 3 of subsection A of § 58.1-2402;

24. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries of the trust may also be named in the trust instrument, when no consideration has passed between the titleholder and the beneficiaries; and transferred to the original titleholder from the trustees holding title to the motor vehicle;

25. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case;

26. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has been paid to the Commonwealth by the lessee purchasing the vehicle; or

27. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will, of such deceased person.

§ 58.1-3221.2. *Classification of commercial real property in certain localities; transportation impact*

551 commercial real property tax.

552 Solely for the purposes of imposing the tax authorized pursuant to this section, in the Counties of  
553 Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church,  
554 Manassas, and Manassas Park, real estate used for commercial or industrial purposes, is hereby  
555 declared to be a separate class of property solely for the purpose of funding regional transportation  
556 improvements pursuant to § 15.2-4838.1. Real estate used for commercial or industrial purposes does  
557 not include real estate for which no permit for use has been issued for occupancy of the premises for  
558 commercial use, and real estate, or that portion thereof, that is used for residential purposes, including  
559 but not limited to apartment buildings, regardless whether it otherwise would constitute a commercial  
560 enterprise. In addition to all other taxes and fees permitted by law, the governing body of any such  
561 locality may, by ordinance, declare the entire locality a special regional transportation tax district and  
562 impose a transportation impact commercial real property tax at the rate of 0.3% of the fair market  
563 value of such property; provided that the governing body of the locality appropriates all the revenues  
564 collected from such tax into the Special Transportation Fund for Northern Virginia established pursuant  
565 to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2. However, for any such  
566 property on which (i) a tax is imposed pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2,  
567 Chapter 47 (§ 15.2-4700 et seq.) of Title 15.2, Chapter 48 (§ 15.2-4800 et seq.) of Title 15.2, or  
568 Chapter 15 (§ 33.1-430 et seq.) of Title 33.1; (ii) any amount is charged pursuant to a community  
569 development authority; or (iii) any special assessment is imposed for an existing transportation bond,  
570 the rate of the tax under this section shall be reduced so that any such taxes, amounts, or assessments,  
571 when added to the tax imposed under this section produce a combined effective rate of 0.3%; provided  
572 that no such reduction shall be made for any taxes, payments, or charges associated with projects not  
573 initiated prior to January 1, 2007, except for the second half of the Dulles Rail project.

574 The tax imposed pursuant to the authority granted under this section shall be administered, enforced,  
575 and collected in the same manner as set forth in Subtitle III of Title 58.1 for the administration,  
576 enforcement, and collection of local taxes.

577 § 58.1-3825.1. Hotel/motel transportation impact fee.

578 Beginning January 1, 2007, in addition to such transient occupancy taxes as are authorized by this  
579 chapter, the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria,  
580 Fairfax, Falls Church, Manassas, and Manassas Park may impose an additional transient occupancy fee  
581 at the rate of 2% of the amount of charge for the occupancy of any room or space occupied; provided  
582 that the governing body of the locality appropriates the revenues collected from such fee into the  
583 Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1 to be used for  
584 the purposes as set forth in § 15.2-4838.2.

585 The fee imposed pursuant to the authority granted under this section shall be administered, enforced,  
586 and collected in the same manner as transient occupancy taxes, and as set forth in Subtitle III of Title  
587 58.1 for the administration, enforcement, and collection of local taxes.

588 2. That Article 22 (§ 58.1-540 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia is  
589 repealed.

590 3. That, in addition to all other expenditures and projects required of the Northern Virginia  
591 Transportation Authority under the provisions of this act, the Northern Virginia Transportation  
592 Authority shall construct the following transportation projects or contribute to the funding of such  
593 projects from the revenues generated by this act provided the respective locality is embraced by  
594 the Authority:

595 Fairfax County

596 - Traffic lights on Route 638 at Barnack and at Route 638 and Viola.

597 - Acquisition of approximately 150 sq./ft of land on East Side of Gambrill at Pohick Road to  
598 correct design mistake in previously constructed intersection improvement.

599 - Contribute \$1 million toward widening Silverbrook between Hooes Road and South County  
600 Secondary School.

601 - Paving of Belmont Landing to allow school bus turn around.

602 - Contribute \$1 million toward widening East Elden Street.

603 - Construct a roundabout on Route 123 in the Oakton area and run tests on its effectiveness as a  
604 traffic flow and control measure.

605 Prince William County

606 - Improve intersection at Graham Park Road and Route 1.

607 - Spot improvements on Delaney Road between Minnieville and Pearson in order to improve  
608 traffic flow and provide access to ball fields.

609 - Expansion of Horner Road commuter parking lot.

610 - Cover inflationary costs of Route 1 bridge over Neabsco Creek not included in the Six Year  
611 Improvement Plan.

612 Loudoun County

- 613 - Light synchronization on Route 7 in Tysons Corner and Loudoun County.  
614 - Route 7 spot improvements between County Side Lane and the Loudoun Co./Fairfax Co. border.  
615 City of Fairfax  
616 - Lee Highway Corridor Improvements to widen Lee Highway (Route 29/50) from Eaton place to  
617 Chain Bridge Road to match the existing six-lane section of Route 29/50. Approximately 1,920 feet  
618 of Route 29/50 will be widened. Additionally, major improvements to the storm water system in  
619 that area will be made.  
620 - Construction of George Mason Boulevard from School Street to the entrance to George Mason  
621 University.  
622 - Improve pedestrian access along the west side of Chain Bridge Road just north of Old Town  
623 Fairfax.  
624 Vienna  
625 - Contribute \$1 million toward reconstruction of Drake Street.  
626 - Contribute \$1 million toward reconstruction of Lakewood Drive.  
627 - Contribute \$1 million toward reconstruction of Center Street, South.  
628 4. That, in addition to all other expenditures and projects required of the Northern Virginia  
629 Transportation Authority under the provisions of this act, beginning at the time the second half of  
630 the Dulles Rail project is constructed, the Northern Virginia Transportation Authority shall,  
631 dedicate at least \$20 million annually for the Dulles Rail project, provided there are federal  
632 matching funds appropriated.  
633 5. That the revenues generated by the provisions of this act shall not be used to calculate or  
634 reduce the share of local, federal, and state revenues otherwise available to participating  
635 jurisdictions, or to the Northern Virginia Transportation District. Further, such revenues and  
636 moneys shall not be included in any computation of, or formula for, a locality's ability to pay for  
637 public education, upon which appropriations of state revenues to local governments for public  
638 education are determined.  
639 6. That in the priorities of business of the Northern Virginia Transportation Authority, after  
640 resolving initial organization issues, the Authority is shall initiate a study, including joint efforts  
641 with state and federal governments on construction of the following large projects:  
642 (i) Transit on the Columbia Pike corridor in Arlington County;  
643 (ii) Design and implementation to improve pedestrian access across King Street between the  
644 Fairlington community in Arlington County and the Bradlee Center in the City of Alexandria;  
645 (iii) Addition of a third lane of Route 50 in Fairfax County and Loudoun County;  
646 (iv) Transit on Route 1 in Fairfax County;  
647 (v) Construction of the South Van Dorn and Franconia Road interchange in Fairfax County; and  
648 (vi) Improvements to the Route 29/Gallows Road interchange in Fairfax County;  
649 (vii) Grade separated interchange at Spring Village Drive/Bonnie Mill Lane and the  
650 Franconia-Springfield Parkway (Route 7900) in Fairfax County.  
651 7. That prior to December 1 each year beginning December 1, 2007, the Auditor of Public  
652 Accounts shall submit a report to the General Assembly on the efficiency and effectiveness of the  
653 Washington Metropolitan Area Transit Authority's expenditure of funds that impact the  
654 Commonwealth.  
655 8. That the provisions of this act are effective January 1, 2007.