

VIRGINIA ACTS OF ASSEMBLY -- 2016 RECONVENED SESSION

CHAPTER 765

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118, relating to mobile food vending in commuter lots in Planning District 8; fees.

[S 515]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118 as follows:

§ 33.2-118. Mobile food vending in commuter lots in Planning District 8.

A. In Planning District 8, any mobile food vending unit with a mobile food establishment permit from the Department of Health may, after securing the appropriate approval from the locality in which the commuter parking lot is located, apply for an additional permit with the Department of Transportation and pay a fee in order to operate such mobile food vending unit in a commuter parking lot owned by the Department of Transportation and vend to commuters. A mobile food vending unit shall not be deemed to be parking for the purposes of § 46.2-1219.2 while it is vending pursuant to a permit issued under this section.

B. The Department shall develop guidelines, consistent with the Board's regulations and policies, to permit mobile food vending as provided in subsection A. Such guidelines shall (i) provide for the issuance of permits by the Department to mobile food vendors authorizing such vendors to operate in commuter parking lots owned by the Department, (ii) establish criteria that the Department will use in evaluating each permit application to ensure that neither the function and purpose of the affected commuter parking lot nor the motor vehicle traffic flow and motorist and pedestrian safety will be adversely affected by the operation of the mobile food vendors, (iii) establish fees for mobile food vending, and (iv) address any other issues related to permit issuance as deemed necessary by the Department.

C. The Department shall publish on its website a permit application form for mobile food vending units to apply for such permit to vend to commuters in commuter lots in Planning District 8 and the established fee for such permit and vending.

2. That any regulatory changes deemed necessary by the Department of Transportation as a result of implementing the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).