

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 283

An Act 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.

[H 2159]

Approved March 12, 1997

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.

2. Display, cause or permit to be displayed, or have in possession any registration card, certificate of

title, or license plate or decal which he knows is fictitious or which he knows has been cancelled, revoked, suspended, or altered.

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

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

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

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

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

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

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

§ 46.2-652. Temporary registration for vehicles.

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

For a *special single-trip* temporary registration or permit *issued under this section*, the applicant shall pay a fee of ten cents per mile for every mile to be traveled ~~by the tractor truck, truck, heavy duty trailer, crane, well-digging apparatus, or other heavy equipment~~, 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.*

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

The *Commonwealth Transportation Commissioner, in cooperation with the Commissioner* may, ~~in his discretion~~, grant a temporary registration or permit for the transportation of mobile homes or house trailers, which exceed the size permitted by law, on the highways in the Commonwealth from one point to another within the Commonwealth, or from the Commonwealth to a point or points outside the Commonwealth, or from outside the Commonwealth to a point or points within the Commonwealth. Such temporary registration or permit shall show the registration or permit number, the date of issue, the date of expiration, and the route to be traveled *or other restrictions* and shall be displayed in a prominent place on the vehicle. The owner of every mobile home or house trailer of this sort purchased in the Commonwealth for use within the Commonwealth or brought into the Commonwealth for use within the Commonwealth shall apply within thirty days to the Department for title in the name of the owner. This requirement shall not apply to inventory held by licensed Virginia dealers for the purpose of resale. After a mobile home has been titled in the Commonwealth and at such time as the wheels and other equipment previously used for mobility have been removed and the unit has been attached to the realty, then the Virginia title issued for the unit may be returned to the Department for cancellation and the unit shall thereafter be transferred only as real estate is transferred. The validity of any security interest perfected pursuant to §§ 46.2-636 through 46.2-641 shall continue, notwithstanding the 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 transportation of passengers. An additional fee of five dollars shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

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

vehicles used as common carriers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Registered Gross Weight</i>	<i>1-Year Fee</i>	<i>2-Year Fee</i>	<i>Permanent Fee</i>
<i>0-1,500 lbs</i>	<i>\$ 8.00</i>	<i>\$16.00</i>	<i>\$50.00</i>
<i>1,501-4,000 lbs</i>	<i>\$18.50</i>	<i>\$37.00</i>	<i>\$50.00</i>
<i>4,001 lbs & above</i>	<i>\$23.50</i>	<i>\$47.00</i>	<i>\$50.00</i>

From the foregoing registration fees, the following amounts, regardless of weight category, shall be paid by the Department into the state treasury and set aside for the payment of the administrative costs of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this

title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

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

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

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

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

Fee Per Thousand Pounds of Gross Weight

Gross Weight	Private	For Rent or
Groups (pounds)	Carriers	For Hire
		Carriers
10,001 - 11,000	\$2.60	\$4.75
11,001 - 12,000	2.80	4.90
12,001 - 13,000	3.00	5.15
13,001 - 14,000	3.20	5.40
14,001 - 15,000	3.40	5.65
15,001 - 16,000	3.60	5.90
16,001 - 17,000	4.00	6.15
17,001 - 18,000	4.40	6.40
18,001 - 19,000	4.80	7.50
19,001 - 20,000	5.20	7.70
20,001 - 21,000	5.60	7.90
21,001 - 22,000	6.00	8.10
22,001 - 23,000	6.40	8.30
23,001 - 24,000	6.80	8.50

24,001 - 25,000	6.90	8.70
25,001 - 26,000	6.95	8.90
26,001 - 27,000	7.00 8.25	9.10 10.35
27,001 - 28,000	7.05 8.30	9.30 10.55
28,001 - 29,000	7.10 8.35	9.50 10.75
29,001 - 40,000	7.20 8.45	9.70 10.95
40,001 - 45,000	7.30 8.55	9.90 11.15
45,001 - 50,000	7.50 8.75	10.00 11.25
50,001 - 55,000	8.00 9.25	12.00 13.25
55,001 - 76,000	10.00 11.25	14.00 15.25
76,001 - 80,000	12.00 13.25	15.00 16.25

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

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

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

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

E. All registrations and licenses issued for less than a full year shall expire on the date shown on the 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 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
1%	\$ 35
2	75
3	115
4	160
5	200

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

~~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~~ *may* promulgate regulations governing such permits ~~in cooperation with the State Corporation Commission~~. Except as provided in this section and § 46.2-1142, no weights in excess of those authorized by law shall be tolerated.

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

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

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

A. No vehicle shall be operated or moved on any highway unless it is so constructed, maintained, and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping. No provision of this section, however, shall apply to any (i) motor vehicle ~~which~~ *that* is used exclusively for agricultural purposes ~~and which is not operated on any public highway for any purpose other than~~

moving it across a highway or along a highway from one part of the owner's land to another irrespective of whether the tracts adjoin as provided in § 46.2-698 and is not licensed in any other state; (ii) agricultural vehicle, tractor, or other vehicle exempted from registration and licensing requirements pursuant to Article 6 (§ 46.2-662 et seq.) of Chapter 6 of this title; or (iii) motor vehicle transporting forest products, poultry, or livestock.

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

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

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

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

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

C. *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.

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

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

DESCRIPTION OF OFFENSE

CORRESPONDING SECTION

OF THE CODE OF FEDERAL

REGULATIONS

(a) General Violations

Marking of motor

vehicle

49 C.F.R. § 390.21

Railroad crossing/

stopping 49 C.F.R. § 392.10

(b) *Driver Violations*

No medical examiner's

certificate 49 C.F.R. § 391.41

Improper medical

examiner's

certificate 49 C.F.R. § 391.43

Medical certificate

invalid 49 C.F.R. § 391.43

No medical waiver 49 C.F.R. § 391.49

Ill/fatigued driver 49 C.F.R. § 392.3

Possess alcoholic

beverage 49 C.F.R. § 392.5

Hearing aid to be worn 49 C.F.R. § 392.9

Violate 10-hour rule,

15-hour rule 49 C.F.R. § 395.3

Violate 60/70-hour rule 49 C.F.R. § 395.3

Logbook violation

(general) 49 C.F.R. § 395.8

No logbook 49 C.F.R. § 395.8

Logbook not current 49 C.F.R. § 395.8

Fail to retain previous

7 days on logbook 49 C.F.R. § 395.8

(c) *Equipment Violations*

Equipment-inspection/use 49 C.F.R. § 392.7

Emergency

equipment-inspection/use 49 C.F.R. § 392.8

Safe loading (secured) 49 C.F.R. § 392.9

Brakes-inoperative or

<i>missing</i>	49 C.F.R. § 393.40-§ 393.52
<i>Fuel tank securement</i>	49 C.F.R. § 393.65
<i>Fuel leak/cap</i>	49 C.F.R. § 393.67
<i>Coupling/towing devices</i>	49 C.F.R. § 393.70;§ 393.71
<i>Tire exceeds weight</i>	
<i> limit</i>	49 C.F.R. § 393.75
<i>Bus violations</i>	49 C.F.R. § 393.89-§ 393.92
<i>Front end structure</i>	49 C.F.R. § 393.106
<i>Frame-cracked, loose,</i>	
<i> sagging, broken</i>	49 C.F.R. § 393.201
<i>Cab/body</i>	
<i> components-defective</i>	49 C.F.R. § 393.203
<i>Wheels/rims defective</i>	49 C.F.R. § 393.205
<i>Suspension-defective</i>	49 C.F.R. § 393.207
<i>Steering system-</i>	
<i> defective</i>	49 C.F.R. § 393.209
<i>Vehicle maintenance</i>	
<i> (general)</i>	49 C.F.R. § 396.3
<i>No driver vehicle</i>	
<i> inspection report</i>	49 C.F.R. § 396.11
<i>No periodic inspection</i>	49 C.F.R. § 396.17-§ 396.25

(d) *Hazardous Materials*

<i>Driving and Parking</i>	
<i>Fail to attend Division</i>	
<i> 1.1, 1.2, or 1.3</i>	
<i> material</i>	49 C.F.R. § 397.5
<i>Fail to attend other</i>	
<i> hazardous materials</i>	
<i> class</i>	49 C.F.R. § 397.5
<i>Improper parking Division</i>	

1.1, 1.2, or 1.3

material 49 C.F.R. § 397.7; § 397.11

Improper parking other

hazardous materials 49 C.F.R. § 397.7; § 397.11

Fail to have route plan 49 C.F.R. § 397.67

Smoking violations 49 C.F.R. § 397.13

Instructions and document

violations 49 C.F.R. § 397.19

§ 58.1-2401. Definitions.

As used in this chapter, unless the context clearly shows otherwise the term or phrase:

"Commissioner" shall mean the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Daily rental ~~passenger car vehicle~~" shall mean a motor vehicle, except a motorcycle *or a mobile home as defined in § 46.2-100*, used for rental as defined in this section and for the transportation of persons ~~and having a gross vehicle weight of 9,000 pounds or less~~ *or property, whether on its own structure or by drawing another vehicle or vehicles.*

"Department" shall mean the Department of Motor Vehicles of this Commonwealth, acting through its duly authorized officers and agents.

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

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

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

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

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

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

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

"Sale price" shall mean the total price paid for a motor vehicle and all attachments thereon and

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

§ 58.1-2402. Levy.

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

There shall also be levied a tax upon the rental of a motor vehicle in Virginia, without regard to whether such vehicle is required to be licensed by the Commonwealth. However, such tax 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.

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

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

2. Three percent of the sale price of each motor vehicle, or three percent of the sale price of each manufactured home as defined in § 36-85.3, or two percent of the sale price of each mobile office as 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 the use of a church conducted not for profit;
15. Loaned or leased to a private institution of learning not conducted for profit, 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 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 hospital not conducted for profit 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 hospital not conducted for profit, 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; ~~or~~
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; *or*
23. *A motor vehicle 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.*

§ 58.1-2425. Disposition of revenues.

A. All funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from mobile homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such mobile home is to be situated as a dwelling, (ii) all funds collected from the additional tax imposed by subdivision A 4 of § 58.1-2402 on the rental of daily rental ~~passenger cars~~ *vehicles* shall be distributed quarterly to the city, town, or county wherein such ~~car~~ *vehicle* was delivered to the rentee, and (iii) effective January 1, 1987, an amount equivalent to the net additional revenues generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402

and this section shall be distributed to and paid into the Transportation Trust Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs, and (iv) except as otherwise provided in ~~subdivision clause~~ (iii) of this sentence, all moneys collected from the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A 3 of § 58.1-2402 at the tax rate in effect on December 31, 1986, shall be paid by the Commissioner into the state treasury and shall be set aside in a special fund to be used to meet the expenses of the Department of Motor Vehicles.

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

§ 58.1-2700. Definitions.

Whenever used in this chapter, the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. [Repealed.]

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

18. (a) On or measured by receipts of a charitable nonprofit organization except to the extent the

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

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

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

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