

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 774

An Act to amend and reenact §§ 46.2-692.1, 46.2-698, 46.2-711, 46.2-724, 46.2-725, 46.2-739, 46.2-741, 46.2-742.2, 46.2-743, 46.2-746.4, 46.2-746.5, and 46.2-746.8 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-729.1, 46.2-734.1, 46.2-746.4:1, 46.2-746.10, 46.2-747.1, 46.2-748.2, 46.2-749.2:8, 46.2-749.2:9, 46.2-749.2:10, 46.2-749.2:11, 46.2-749.2:12, 46.2-749.4:1, 46.2-749.4:2, 46.2-749.4:3, 46.2-749.6:1, and 46.2-749.7:2, relating to registration of vehicles, license plates, special license plates; fees.

[S 675]

Approved April 2, 1997

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-692.1, 46.2-698, 46.2-711, 46.2-724, 46.2-725, 46.2-739, 46.2-741, 46.2-742.2, 46.2-743, 46.2-746.4, 46.2-746.5, and 46.2-746.8 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-729.1, 46.2-734.1, 46.2-746.4:1, 46.2-746.10, 46.2-747.1, 46.2-748.2, 46.2-749.2:8, 46.2-749.2:9, 46.2-749.2:10, 46.2-749.2:11, 46.2-749.2:12, 46.2-749.4:1, 46.2-749.4:2, 46.2-749.4:3, 46.2-749.6:1, and 46.2-749.7:2 as follows:

§ 46.2-692.1. Sample license plates; fee; use.

Upon application therefor, the Commissioner may issue samples of authorized license plates currently issued by the Department. *Sample license plates may display, as requested by the applicant and approved by the Commissioner, a combination of up to seven numbers or letters, when feasible. Notwithstanding the provisions of this section, every such license plate shall display the word "SAMPLE" on its face and shall bear month and year decals marked "SAMPLE-," in a manner prescribed by the Commissioner.*

The fee for sample license plates *not displaying numbers or letters requested by the applicant* shall be ten dollars for each license plate. *The fee for sample license plates displaying numbers or letters requested by the applicant shall be twenty dollars for each license plate.* Sample license plates shall not be valid for registration purposes and shall not be mounted or displayed on any motor vehicle.

§ 46.2-698. Fees for farm vehicles.

A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.2-697 and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee to be paid for each farm vehicle shall not be less than fifteen dollars.

B. A farm motor vehicle is used exclusively for farm use:

1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

a. Used in the transportation of agricultural commodities, poultry, dairy products, or livestock of the farm he is working to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm he is working, or when used for any other transportation incidental to the regular operation of such farm; or

b. Used in transporting forest products, including forest materials originating on a farm or incident to the regular operation of a farm, to the farm he is working or transporting for any purpose forest products which originate on the farm he is working; or

c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by him, pursuant to a mutual cooperative agreement.

2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, or securing other household or family necessities.

C. As used in this section, the term "farm" shall include one or more farms, orchards, or ranches, but does not include a tree farm unless it is part of what otherwise is a farm.

D. The first application for registration of a vehicle under this section shall be made on forms provided by the Department and shall include:

1. The location and acreage of each farm on which the vehicle to be registered is to be used;

2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms and the approximate amounts produced annually;

3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for one or more of the purposes specified in subsection B of this section;

4. Other information required by the Department; and

5. The above information is not required for the renewal of a vehicle's registration under this section.

E. The Department shall issue appropriately ~~designed~~ *designated* license plates for those motor vehicles registered under this section. The ~~design of manner in which~~ such license plates *are designated* shall be at the discretion of the Commissioner.

F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the operation of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on any highway in the Commonwealth without first having paid the prescribed registration fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for purposes other than as provided under subsection B of this section; or (iii) operate as a for-hire vehicle.

G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under §§ 46.2-664 through 46.2-670.

H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used by volunteer rescue squad members and volunteer firefighters in responding to emergency calls, in reporting for regular duty, and in attending squad meetings and drills.

§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.

A. The Department shall furnish one license plate for every registered motorcycle, tractor truck, semitrailer, or trailer, and two license plates for every other registered motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles who shall be furnished one license plate. The license plates for trailers, semitrailers, commercial vehicles, and trucks, other than license plates for dealers, may be of such design as to prevent removal without mutilating some part of the indicia forming a part of the license plate, when secured to the bracket.

B. The Department shall issue appropriately designated license plates for:

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips;
2. Taxicabs;
3. Executive sedans as defined in § 46.2-2500;
4. Limousines as defined in § 46.2-2500;
5. Passenger-carrying vehicles operated by common carriers or restricted common carriers;
6. Property-carrying motor vehicles to applicants who operate as private carriers only;
7. Applicants who operate motor vehicles as carriers for rent or hire; *and*
8. ~~Motor vehicles held for rental as defined in § 58.1-2401; and~~
9. Trailers and semitrailers.

C. ~~The Department shall issue appropriately designated license plates for motor vehicles held for rental as defined in § 58.1-2401.~~

D. No vehicles shall be operated on the highways in the Commonwealth without displaying the license plates required by this chapter.

~~D.~~ E. Pickup or panel trucks are exempt from the provisions of subsection B of this section with reference to displaying for-hire license plates when operated as a carrier for rent or hire.

§ 46.2-724. Operation for hire of certain vehicles registered as not-for-hire; penalty.

If a motor vehicle of over 10,000 pounds registered gross weight ~~displaying license plates entitling it that is registered~~ to be operated exclusively not-for-hire is operated for-hire, the licensee shall be guilty of a traffic infraction. This penalty shall be in addition to the penalty prescribed by § 46.2-704.

§ 46.2-725. Special license plates, generally.

A. No series of special license plates shall be created or issued by the Commissioner or the Department except as authorized in this article. No special license plates in any series not provided for in this article and no registration decal for any such license plate shall be issued, reissued, or renewed on or after July 1, 1995. However, subject to the limitations contained in subdivisions 1 and 2 of subsection B of this section, the Commissioner may issue special license plates that are combinations of no more than two series of special license plates authorized in this article and currently issued by the Department; the fee for any such combination shall be equal to the sum of the fees for the two series plus the fee for reserved numbers and letters, if applicable. The provisions of subdivisions 1 and 2 of subsection B of this section shall not apply to special license plates that are combinations of two series of special license plates authorized in this article and currently issued by the Department if one of the two combined designs, when feasible, incorporates or includes the international symbol of access.

B. Except as otherwise provided in this article:

1. No license plates provided for in this article shall be issued until the Commissioner receives at least 350 prepaid applications therefor. *In the event that 350 or more prepaid applications have not been received on or before the last day of the third year from the date the license plates were last authorized, no such license plates shall be issued unless the license plates are reauthorized by the General Assembly. Such reauthorized license plates shall remain subject to the provisions of this article;*

2. No additional license plates shall be issued or reissued in any series that, after five or more years of issuance, has fewer than 100 active sets of plates, unless applications therefor again meet the criterion

of subdivision 1 of this subsection; and

3. The annual fee for the issuance of any license plates issued pursuant to this article shall be ten dollars plus the prescribed fee for state license plates. Applications for all special license plates issued pursuant to this article shall be on forms prescribed by the Commissioner. All special license plates issued pursuant to this article shall be of designs prescribed by the Commissioner and shall bear unique letters and numerals, clearly distinguishable from any other license plate designs, and be readily identifiable by law-enforcement personnel.

No other state license plates shall be required on any vehicles bearing special license plates issued under the provisions of this article.

All fees collected by the Department under this article shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

C. The provisions of this article relating to registration fees shall apply only to those vehicles registered as passenger cars, motor homes, and pick-up or panel trucks, as defined in § 46.2-100. All other vehicle types registered with special license plates shall be subject to the appropriate special license plate fees, registration fees and other fees prescribed by law for such vehicle types.

§ 46.2-729.1. Presidential inauguration license plates.

Notwithstanding any other provisions of law, presidential inauguration license plates duly issued by the District of Columbia may be displayed on any motor vehicle duly registered and licensed in Virginia in lieu of license plates assigned to that motor vehicle. Such presidential license plates shall not be displayed except for the period beginning January 1 through the last day of March in the year of such inauguration.

§ 46.2-734.1. Special license plates for certain law-enforcement officers.

On receipt of an application and written confirmation that the applicant is a law-enforcement officer, the Commissioner shall issue to the applicant special license plates.

§ 46.2-739. Special license plates for certain disabled veterans; fees.

A. On receipt of an application, the Commissioner shall issue special license plates to applicants who are disabled veterans as defined in § 46.2-100 or unremarried surviving spouses of such disabled veterans. These license plates shall be special permanent red, white, and blue license plates bearing the letters "DV." The application shall be accompanied by a certification from the U.S. Veterans Administration that the veteran has been so designated and that his disability is service-connected. License plates issued under this subsection shall not permit the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

B. On receipt of an application, the Commissioner shall issue special DV disabled parking license plates displaying the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts to the background to veterans who are also persons with disabilities that limit or impair their ability to walk as defined in § 46.2-100. The Commissioner shall require that such application be accompanied by a certification from a licensed physician to that effect. Special DV disabled parking license plates issued under this subsection shall authorize the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

No annual registration fee, as prescribed in § 46.2-694, and no annual fee, as set forth in subdivision 3 of subsection B of § 46.2-725, shall be required for any one motor vehicle owned and used personally by any veteran, provided such vehicle displays license plates issued under this section.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-741. Special license plates for survivors of attack on Pearl Harbor; fees.

On receipt of an application and written evidence that the applicant is an honorably discharged former member of one of the armed forces of the United States and, while serving in the armed forces of the United States, was present during the attack on the island of Oahu, Territory of Hawaii, on December 7, 1941, between the hours of 7:55 a.m. and 9:45 a.m., Hawaii time, the Commissioner shall issue to the applicant special license plates identifying the vehicle as registered to a Pearl Harbor survivor.

For each set of license plates issued under this section, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of ten dollars at the time the plates are issued.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 46.2-742.2. Special license plates for persons awarded the Navy Cross, the Distinguished Service Cross, the Air Force Cross, or the Distinguished Flying Cross.

On receipt of an application and written evidence that the applicant has been awarded the Navy Cross, the Distinguished Service Cross, the Air Force Cross, or the Distinguished Flying Cross, the Commissioner shall issue to the applicant special license plates.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license

plates issued under this section.

Unremarried surviving spouses of persons eligible to receive special license plates under this section may also be issued special license plates under this section.

§ 46.2-743. Special license plates for certain veterans.

A. On receipt of an application and written evidence that the applicant is an honorably discharged former member of one of the armed forces of the United States, the Commissioner shall issue to the applicant special license plates.

B. On receipt of an application and written evidence that the applicant is an active duty or retired member of the United States Army, Navy, Air Force, or Marine Corps, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the military service of which the applicant is an active duty or retired member.

C. On receipt of an application and written evidence that the applicant is a veteran of World War II, the Commissioner shall issue special license plates to veterans of World War II.

D. On receipt of an application and written evidence that the applicant is a veteran of the Korean War, the Commissioner shall issue special license plates to veterans of the Korean War.

E. On receipt of an application and written evidence that the applicant is a veteran of the Vietnam War, the Commissioner shall issue special license plates to veterans of the Vietnam War.

F. On receipt of an application and written evidence that the applicant is a veteran of Operation Desert Shield or Operation Desert Storm, the Commissioner shall issue special license plates to veterans of those military operations.

~~F.~~ G. The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under subsection A, C, D, or E of this section.

§ 46.2-746.4. Special license plates for members of certain military veterans' organizations.

On receipt of an application and written evidence that the applicant is a member of any of the following military veterans' organizations, the Commissioner shall issue special license plates to the members of the following organizations: the American Legion, *the Disabled American Veterans*, *the Legion of Valor of the USA*, the Marine Corps League, the First Marine Division Association, the Retired Officers Association, the Veterans of Foreign Wars, and the Vietnam Veterans of America.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued to members of the Legion of Valor of the USA under this section.

§ 46.2-746.4:1. Special license plates for submarine service veterans.

On receipt of an application and written evidence that the applicant is a submarine service veteran and a graduate of the U.S. Navy Submarine School, the Commissioner shall issue special license plates to submarine service veterans.

§ 46.2-746.5. Special license plates for National Guard retirees; fees.

On receipt of an application and written evidence that the applicant is a retired member of the National Guard, the Commissioner shall issue special license plates to National Guard retirees.

The fee for license plates issued under this section to retired members of the Virginia National Guard shall be the fee prescribed in § 46.2-694, unless the plates bear reserved numbers or letters as provided for in § 46.2-726. In this latter case, the fee for the issuance of license plates shall be the same as for those issued under § 46.2-726.

The fee for non-Virginia National Guard retirees shall be ten dollars per year plus the prescribed cost for state license plates, unless the plates bear reserved numbers or letters as provided for in § 46.2-726. In this latter case, such license plates shall be subject to an additional charge of ten dollars per year for the reserved numbers or letters.

§ 46.2-746.8. Special license plates for members of certain occupational associations.

On receipt of an application and written evidence that the applicant is a member of such organization, the Commissioner shall issue special license plates to members of the following organizations: the Communications Workers of America, the Virginia Sheriffs' Association, the Fraternal Order of Police, the International Association of Firefighters, *the Virginia State Firefighters Association*, *the State Fire Chiefs Association of Virginia*, the Association of Realtors, and the Society of Certified Public Accountants.

§ 46.2-746.10. Special license plates for supporters of the AFL-CIO.

On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of the AFL-CIO.

§ 46.2-747.1. Special license plates for members of the Gold Wing Road Riders Association.

On receipt of an application and written evidence that the applicant is a member of the Gold Wing Road Riders Association, the Commissioner shall issue special license plates to members of the Gold Wing Road Riders Association.

§ 46.2-748.2. Special license plates; Virginia Scuba Diver.

On receipt of an application therefor, the Commissioner shall issue to the applicant special license plates bearing the legend: VIRGINIA SCUBA DIVER.

§ 46.2-749.2:8. Special license plates for supporters of the Virginia's Western Highlands Travel Council.

On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of the Virginia's Western Highlands Travel Council.

§ 46.2-749.2:9. Special license plates for supporters of the Virginia Drug Abuse Resistance Education Association (D.A.R.E.), Inc.

On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of the Virginia Drug Abuse Resistance Education Association (D.A.R.E.), Inc.

§ 46.2-749.2:10. Special license plates for supporters of community traffic safety programs in the Commonwealth; fees.

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the following legend: *DRIVE SMART*.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars in addition to the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to the special nonreverting fund known as the Traffic Safety Fund, established within the Department of Accounts, for use by the Department of Motor Vehicles to support community traffic safety programs in the Commonwealth.

§ 46.2-749.2:11. Special license plates for supporters of the Virginia Education Foundation.

On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of the Virginia Education Foundation.

§ 46.2-749.2:12. Special license plates for supporters of Operation Smile.

On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of Operation Smile.

§ 46.2-749.4:1. Special license plates for Historic Yorktown.

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the following legend: *HISTORIC YORKTOWN*.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars in addition to the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to the special nonreverting fund known as the Historic Yorktown Fund, established within the Department of Accounts. These funds shall be paid annually to the Town of Yorktown and may be used as provided by the governing body.

§ 46.2-749.4:2. Special license plates for Gloucester County; fees.

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the following legend: *GLOUCESTER COUNTY*.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars in addition to the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to the special nonreverting fund known as the Gloucester County Fund, established within the Department of Accounts. These funds shall be paid annually to the County of Gloucester and may be used as provided by the governing body.

§ 46.2-749.4:3. Special license plates for supporters of parental involvement in local public school programs.

On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of parental involvement in local public school programs.

§ 46.2-749.6:1. Special license plates for supporters of the Washington D.C. United soccer team.

On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of the Washington D.C. United soccer team.

§ 46.2-749.7:2. Special license plates; Old Dominion Boat Club.

On receipt of an application therefor, the Commissioner shall issue to the applicant special license plates bearing the following legend: *OLD DOMINION BOAT CLUB*.