

***Virginia Department of Motor  
Vehicles (DMV)***

**2015 Legislative Bulletin-Stakeholders**

# Virginia Department of Motor Vehicles

## 2015 Legislative Bulletin-Stakeholders

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**All effective dates are July 1, 2015, unless otherwise noted.**

### **Agency Bills**

HB 1824: Motor Vehicles, Department of; unlawful provision of examination answers. (Ward)(Chapter 464)  
Amends Va. Code § 46.2-105.1

This bill provides that it is a Class 2 misdemeanor for a person to communicate by any means to a person taking an examination, during the examination, any information purporting to be answers to questions intended to be used by DMV in conducting an examination. Prior to this bill it was unlawful to receive or furnish written or printed material purporting to be answers to such questions; however verbal assistance or assistance with hand gestures was not specifically prohibited.

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HB 2038: Commercial motor carriers; amends several commercial drivers' licensing laws. (Filler-Corn)(Chapter 258)  
Amends Va. Code §§ 46.2-324.1, 46.2-341.4, 46.2-341.7, 46.2-341.8, 46.2-341.9, 46.2-341.10, 46.2-341.12, 46.2-341.14, 46.2-341.14:1, 46.2-341.15, 46.2-341.16, 46.2-341.18:3, 46.2-341.20, 46.2-341.20:4, 46.2-348, 46.2-2011.29, 46.2-2139, 46.2-2900, 46.2-2906, 46.2-2907, and 52-8.4; and amends Va. Code by adding in Article 3 of Chapter 6 of Title 46.2 sections numbered 46.2-649.3 and 46.2-649.4.

This bill amends several motor carrier and commercial drivers' licensing laws, bringing Virginia into compliance with Federal Motor Carrier Safety Regulations amendments regarding commercial motor vehicles and exemptions regarding certain farm vehicles and their drivers. The bill lowers the age of eligibility for an escort vehicle driver certification from 21 to 18 years. The bill also authorizes two additional circumstances in which law enforcement may remove for-hire license plates: where the carrier's operating authority has expired and where the plates are being used on a leased vehicle and the bill makes all license plate removal optional at the discretion of the law-enforcement officer.

This bill contains the following components:

1. For-Hire License Plates

This legislation provides law enforcement with additional enforcement tools to ensure valid credentialing of For-Hire operations, authorizing the seizure of the license plates, identification marker, and registration card of a for-hire carrier

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whose permit or certificate has expired, or where the for-hire carrier has leased a motor vehicle and such lease was terminated, cancelled, or expired.

### **2. Escort Vehicle Driver**

This legislation provides the lower eligibility age for an escort driver certificate in Virginia (from 21 to 18 years), which will allow Virginia to grant and receive full reciprocity with other states which have established an eligibility age requirement that is lower than that set by Virginia.

### **3. Commercial Motor Vehicles and Driver's Licenses**

This bill allows DMV to comply with new Federal Motor Carrier Safety Administration (FMCSA) regulation amendments for commercial motor vehicles (CMV) and commercial driver's licenses (CDL).

- Creation and issuance of new, separate Non-Domiciled commercial learner's permits (CLP) and CDL, labeled as such and issued in specific, limited circumstances. Holders of non-domiciled commercial credentials will have met all other licensing requirements including providing the necessary proof of legal presence, identification, social security number, and Virginia residency as well as successfully completing all required testing. The document issued is considered non-domiciled because while the holder is a resident of Virginia, he is domiciled elsewhere.
- Issuance of standard Virginia CDLs to military personnel stationed in Virginia but domiciled in another jurisdiction, in conformance with the federal Military CDL Act of 2012. Such persons must be a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and is not domiciled in Virginia, but whose temporary or permanent duty station is located in the Virginia.
- Establishment of a reduced 14-day minimum commercial learner's permit holding period for drivers of commercial motor vehicles who have completed driver training through the Department of Education or the military.
- Clarification regarding proof of citizenship or lawful permanent residency requirements prior to issuance of a CDL or CLP. These provisions do not affect Virginia's legal presence requirements.
- Acceptance of CDL skills test results from other states, provisions to allow Virginia to test drivers from other states who completed commercial driver training in Virginia, and authorizes DMV to assess an \$85 fee for that testing.
- Bond requirements for non-governmental 3rd party testers to cover re-testing costs in the event of fraudulent activities. DMV will require a bond in the amount of \$5,000.

Additional changes are being made in conjunction with the implementation of this bill to ensure DMV's continued compliance with FMCSA regulations. These changes include:

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### **A. Adding "M" and "N" restrictions to Commercial Learner's Permits:**

- **M restriction** = Operation of passenger vehicle is restricted to a Class B or Class C passenger vehicle.

Any Class B CLP with a P endorsement will require an M restriction.

- **N restriction** = Operation of passenger vehicle is restricted to a Class C passenger vehicle.

Any Class C CLP with a P endorsement will require an N restriction.

### **B. Adding a "K" restriction to Commercial Learner's Permits and Commercial Driver's Licenses when the driver self certifies that he/she will operate a commercial motor vehicle only in Intrastate commerce.**

### **4. Covered Farm Vehicles**

This bill allows DMV to comply with MAP-21 (Moving Ahead for Progress in the 21st Century Act, P.L. 112-141) and new Federal Motor Carrier Safety Administration (FMCSA) regulations promulgated as a result of that Act as they apply to covered farm vehicles. The provisions:

- Establish a new definition and category of vehicles – covered farm vehicles are those operated by farm and ranch operators, their employees, tenants or family members. These provisions will apply to vehicles that are registered in Virginia and display a DMV-issued farm use license plate.
- Exempt qualifying covered farm vehicles and operators from many FMCSA CDL regulations including CDL licensing, drug and alcohol testing, medical qualifications, hours of service limits, and vehicle inspection, repair and maintenance; however, this does not exempt drivers from Virginia's DUI laws or Virginia's vehicle safety inspection requirements.
- Expand mileage limitations within which a covered farm vehicle may travel while making use of the exemptions, depending on the weight of the vehicle:
  - GVW of 26,001 pounds or less may use the exemptions without mileage restrictions.
  - GVW greater than 26,001 pounds may use the exemptions anywhere in the state of registration or across state lines within 150 air miles (176.2 miles) of the boundaries of the farm or ranch from which the vehicle is being operated.
- Exempt a CDL holder operating a commercial motor vehicle – but that does not qualify as a farm vehicle – from the hours of service federal requirements so long as the cargo consists of agricultural commodities and/or farm supplies.

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HB 2189: Motor Vehicle Dealer Board; authority over recreational, trailer, and motorcycle dealers, penalties. (McQuinn)(Chapter 615)  
Amends Va. Code §§ 46.2-205, 46.2-602.2, 46.2-618, 46.2-626.1, 46.2-644.1, 46.2-644.3, 46.2-654.1, 46.2-1105, 46.2-1139, 46.2-1500, 46.2-1503, 46.2-1504, 46.2-1505, 46.2-1508, 46.2-1509 through 46.2-1512, 46.2-1515, 46.2-1516, 46.2-1518, 46.2-1519, 46.2-1521, 46.2-1527.1, 46.2-1527.2, 46.2-1527.3, 46.2-1527.5, 46.2-1527.10, 46.2-1529, 46.2-1529.1, 46.2-1530, 46.2-1531, 46.2-1532, 46.2-1533, 46.2-1534, 46.2-1536, 46.2-1539, 46.2-1540, 46.2-1542 through 46.2-1545, 46.2-1547, 46.2-1558, 46.2-1561, 46.2-1565.1, 58.1-2405, and 58.1-3506; Adds § 46.2-1539.1; adds in Article 5 of Chapter 15 of Title 46.2 §§ 46.2-1545.1 and 46.2-1545.2, in Article 6 of Chapter 15 of Title 46.2 §§ 46.2-1557.3 and 46.2-1557.4, and in Chapter 15 of Title 46.2 an article numbered 7.2, consisting of §§ 46.2-1573.2 through 46.2-1573.12, an article numbered 7.3, consisting of §§ 46.2-1573.13 through 46.2-1573.24, and an article numbered 7.4, consisting of §§ 46.2-1573.25 through 46.2-1573.37; and repeals Chapters 19, 19.1, and 19.2 (§§ 46.2-1900 through 46.2-1993.82)

This bill transfers the oversight of recreational, trailer, and motorcycle dealers from DMV to the Motor Vehicle Dealer Board. The bill also provides for representation by recreational, trailer, and motorcycle dealers on the Board and updates the term "T&M" (travel trailers and motor homes) to "recreational." The bill increases the penalty for dealers' noncompliance with requirements for issuance of temporary license plates from a Class 3 misdemeanor to a Class 1 misdemeanor, and creates a Class 1 misdemeanor for failure to comply with safety inspections or disclosures required before the sale of certain types of trailers.

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### **Agency Study Bills**

HB 1662 and SB 1025: Transportation network companies (TNCs); licensing process by DMV. (Rust and Watkins)(Chapters 2 and 3)  
Amends Va. Code §§ 46.2-694, 46.2-711, 46.2-749.5, 46.2-753, 46.2-755, 46.2-1400, 46.2-2000, 46.2-2001.3, 46.2-2011.5, 46.2-2011.6, 46.2-2011.20, 46.2-2011.22, 46.2-2011.24, 46.2-2011.29, and 46.2-2051; and adds in Chapter 20 of Title 46.2 an article numbered 15, consisting of sections numbered 46.2-2099.45 through 46.2-2099.53

- "Transportation network company" means a person who provides prearranged rides using a digital platform that connects passengers with TNC partners.
- "TNC partner" means a person authorized by a transportation network company to use a TNC partner vehicle to provide prearranged rides on an intrastate basis in the Commonwealth.
- "TNC partner vehicle" means a personal vehicle authorized by a transportation network company and used by a TNC partner to provide prearranged rides on an intrastate basis in the Commonwealth.

This bill establishes a process for the licensing of transportation network companies (TNCs) by DMV, provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including a national criminal background check, a driving history report, and status on the state and national sex offender registries.

The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy and specifies the nature and limits of the insurance coverage. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers.

The bill authorizes DMV to conduct periodic reviews of TNCs to confirm compliance and authorizes fees to cover DMV's costs of administering the program, an initial TNC license fee of \$100,000 and an annual license renewal fee of \$60,000. The bill requires DMV to review the fee structure and report by December 1, 2016.

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The major features of the legislation are as follows:

### **Licensing of TNCs**

- TNCs are to be licensed by DMV, provided they meet certain minimum standards, identical to the standards that apply under current law to other types of passenger carriers that demonstrate fitness to operate and compliance with the requirements for licensure such as proof of insurance, payment of fees, appointment of agent for service of process.
- Licensing fees intended to cover DMV's costs of administering the laws regarding TNCs include (a) an initial TNC license fee of \$100,000 to be paid by the TNC, and (b) an annual fee of \$60,000 for renewal of the TNC's license. It is required that this fee structure be reviewed one year after implementation to determine if costs are fully recovered or if these fees should be adjusted to achieve that objective.

### **Screening of drivers**

- TNCs must ensure that their drivers are at least 21 years old and are properly licensed to drive. TNCs must conduct comprehensive criminal background checks and driving record checks on every individual applying to work as a TNC driver, and at regular intervals after the individual has begun working as a TNC driver. The background checks must include checking the individual's status in the Virginia's Sex Offender and Crimes Against Minors Registry and the U.S. Department of Justice's National Sex Offender Public Website.
- A criminal record of violent crime (as defined in subsection C of § 17.1-805) will bar an individual from acting as a TNC driver. Anyone required to register as a sex offender will also be barred from operating as a TNC driver.
- A driving history record that includes a record of any of the following offenses in the preceding seven years will bar the individual from operating as a TNC driver:
  - underage drinking and driving
  - DUI
  - operation of a motor vehicle after license revocation resulting from repeated DUI offenses
  - any felony offense (beyond those classed as violent crimes)
- In addition, a record of any of the following within the preceding three years will bar the individual from operating as a TNC driver:
  - three or more moving violations
  - refusal to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath
  - reckless driving
  - operating a motor vehicle with a suspended or revoked license
  - escaping or eluding a law-enforcement officer

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### **Standards for vehicles**

Only personal vehicles may be used, and they must meet the following standards:

- must be validly titled and registered either in Virginia or in another jurisdiction
- must have a current Virginia state safety inspection (even if not registered in Virginia)
- must have a maximum seating capacity of no more than seven persons, excluding the driver
- must be insured by a policy providing coverage for commercial use of the vehicle
- must be registered with DMV for TNC use
- must display both (a) an identification marker issued by DMV identifying the vehicle as registered for TNC use and (b) trade dress issued by the TNC that clearly identifies the TNC with which the vehicle is associated

### **Insurance**

TNC drivers must be covered by a motor vehicle liability insurance policy that specifically covers liabilities arising from a driver's use of a vehicle to provide TNC services. This coverage may be provided by the TNC. The liability coverage must meet the following minimums:

- From the moment a TNC driver accepts a ride request until the driver completes the transaction on the TNC's platform or until the ride is complete, whichever is later, the insurance must provide at least \$1 million in primary liability coverage. The policy must also provide the same amount in uninsured motorist and underinsured motorist coverage.
- For all other times when a TNC driver is logged on to the app, different insurance requirements will apply, and those requirements will change effective 1/1/2016.
- **From 7/1/15 through 12/31/15**, the TNC insurance must provide secondary liability coverage of at least \$125,000 per person/\$250,000 per incident for death and bodily injury, and at least \$50,000 per incident for property damage.

In addition, if the driver's vehicle is covered by a personal policy that doesn't exclude coverage for TNC operations, then that policy is primary and the TNC insurance is available to provide excess coverage, up to the \$125,000/\$250,000/\$50,000 limits.

- **From 1/1/16 on**, the TNC insurance must provide primary liability coverage of at least \$50,000 per person/\$100,000 per incident for death and bodily injury, and at least \$25,000 per incident for property damage.
- Although the insurance requirements may be met with a commercial insurance policy, it may also be satisfied by a personal automobile insurance policy, amendment, or endorsement covering the use of a vehicle in connection with TNC operations, or by a combination of commercial and personal insurance policies.

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### **Other operating requirements**

The following are some of the key additional requirements for TNC operations:

- The TNC must provide a credential to each driver, which may be displayed on the TNC's mobile app, that includes information identifying the driver, the vehicle, and the TNC with which the driver is affiliated.
- Before a passenger enters a TNC driver's vehicle, the TNC's app must provide the passenger with the name and a photograph of the driver who will provide transportation and with the vehicle's license plate number.
- At the end of the trip, the customer must be given an electronic receipt that includes the date and time of the trip, the fare charged, a map of the route taken, information identifying the TNC driver and contact information by which additional support may be obtained.
- A TNC must make available immediately upon request to authorized representatives of DMV, law enforcement agencies, and airport authorities information about individual trips arranged through the TNC, including information identifying the driver, vehicle, origin and destination points of the trip, and passenger pick-up and drop-off-times.
- The TNC must disclose to passengers, via its app and website, information regarding its screening criteria for drivers, its zero-tolerance policy regarding drugs and alcohol, its method for calculating fares, its means of reporting driver misconduct, and other matters.
- The TNC must disclose to its drivers the nature and limits of its insurance coverage, the possible limits of the driver's personal automobile insurance coverage with respect to TNC operations, and the possible concerns of lienholders regarding commercial use of a personal vehicle, among other things.
- TNCs must adopt and enforce a policy of nondiscrimination on the basis of a passenger's points of origin and destination. TNC partners must comply with all applicable laws regarding nondiscrimination against passengers. Among other things, this means that they may not impose additional charges for providing services to persons with disabilities because of those disabilities, and that they shall comply with laws relating to accommodation of service animals. DMV may deny, suspend or revoke the operating authority or levy civil penalties against a TNC for failure to comply with the Americans with Disabilities Act or the Virginians with Disabilities Act.
- A TNC may provide service on a prearranged basis only. Street hails are prohibited.
- TNC drivers may only accept riders through the TNC's mobile app or digital platform. A TNC driver may not otherwise arrange or accept any fares for for-hire transportation services.
- A TNC that knows a driver is engaging in off-app activity is required to remove the driver from the app for a minimum of one year.
- TNCs may not conduct any operations on the property of or into any airport, unless such operations are authorized by the airport authority involved.

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- An enactment clause clarifies that current motor carriers are free under current law to offer services through an online digital platform. However, if they use personal vehicles then they are subject to the fees and rules applicable to TNCs.

### **Violation and criminal penalties**

- Any person knowingly and willfully violating any provision of this chapter, or any rule or regulation thereunder, or any term or condition of any certificate, permit, or license, for which a penalty is not otherwise herein provided, is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$2,500 for the first offense and not more than \$5,000 for any subsequent offense. Each day of such violation shall constitute a separate offense.
- Any TNC partner who knowingly and willfully by any such means or otherwise fraudulently seeks to evade or defeat regulation as in this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than \$500 for the first offense and not more than \$2,000 for any subsequent offense.
- Any TNC partner, who willfully fails or refuses to make a report to the Department as required by this chapter or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Department, or knowingly and willfully falsifies, destroys, mutilates, or alters any such report, account, record, or memorandum, or knowingly and willfully files any false report, account, record, or memorandum is guilty of a misdemeanor and, upon conviction, is subject for each offense to a fine of not less than \$100 and not more than \$5,000.

### **Recordkeeping and reporting**

- DMV will have the authority to conduct periodic reviews of TNCs to confirm compliance with the above requirements.
- TNCs must therefore keep and maintain records necessary to demonstrate such compliance, including the results of criminal history and driving record reports on TNC drivers, proof of insurance, vehicle safety inspection records, proof that a TNC partner certified the consent of vehicle owners, lessors and lessees prior to a vehicle being registered for TNC use, and any other information DMV identifies as necessary to confirm compliance.
- For purposes of compliance review, such records must be kept and retained for three years in a manner that permits systematic retrieval.
- TNCs must also maintain records that may be needed by law enforcement authorities, including ride-specific data.
- Any of the information obtained by DMV, law enforcement, or airport officials will be considered privileged information and will not be subject to disclosure except to other law enforcement authorities as needed.

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The bill contains several enactment clauses:

- DMV shall periodically consult with local government officials to determine whether TNCs have had an effect on the availability of wheelchair-accessible transportation services. If evidence suggests an effect, DMV shall work collaboratively with appropriate stakeholders to develop recommendations to be submitted to the Chairmen of the House and Senate Committees on Transportation.
- **Beginning July 1, 2016**, DMV shall review enforcement activity undertaken regarding the provisions of this act, insurance policies available to TNC partners that may require changes to the provisions of subdivisions E 1 and 2 of § 46.2-2099.49 as created by this act, the fees set forth in § 46.2-2011.5 of the Code of Virginia as amended by this act, and in § 46.2-2099.50 as created by this act to determine whether those fees adequately cover DMV's costs of administering the additional responsibilities imposed on the Department under this act. DMV shall report the results of its review to the Chairmen of the House and Senate Committees on Transportation no later than December 1, 2016.
- The provisions of subsection K of § 46.2-2099.48 as created by this act, which require a digital platform to allow customers or passengers prearranging rides to indicate whether a passenger requires a wheelchair-accessible vehicle or a vehicle that is otherwise accessible to individuals with disabilities, shall become effective on **July 1, 2016**.
- The TNCs shall advise TNC partners that a TNC partner's personal automobile insurance policy may not provide collision or comprehensive coverage for damage to the vehicle when the TNC partner uses a vehicle in connection with a transportation network company's digital platform, unless such policy expressly provides for TNC insurance coverage. Such notice shall be provided to each TNC partner until **January 1, 2016**.
- Notwithstanding any other provision of law, a personal automobile insurer may, at its discretion, offer an automobile liability insurance policy, or an amendment or endorsement to an existing policy that covers a motor vehicle with a seating capacity of eight or fewer persons, including the driver, while used in connection with a transportation network company's digital platform.
- The provisions of this act adding § 46.2-2099.52 shall become effective on **January 1, 2016**.
- No provision of this act or existing law shall be construed to prevent any motor carrier regulated under the existing provisions of Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 from offering services through an online digital platform, unless such motor carrier chooses to operate as a transportation network company.

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HB 2184 and SB 1259: Salvage, nonrepairables, and rebuilt vehicles; requirements and practices of certain dealers. (Villanueva and Newman)(Chapters 177 and 33)  
Amends Va. Code §§ 46.2-1600, 46.2-1601, 46.2-1602, 46.2-1603.2, 46.2-1605, 46.2-1608, and 46.2-1608.2

This bill contains the following components:

- Creates a new definition of “vehicle” to be placed in *Code of Virginia* § 46.2-1600 to clearly define when a vehicle is no longer considered a vehicle. This occurs when DMV records show the vehicle has been demolished or declared nonrepairable.
- Creates a definition of cosmetic damage to be placed in § 46.2-1600, which will allow cosmetic damage to be deducted from a vehicle’s percent of damage estimate to prevent it from being declared nonrepairable – thus allowing it to be rebuilt and remain on the road.
- Eliminates the definition of “repaired vehicle” brand and expands the definition of “rebuilt vehicle” thus ensuring that salvage vehicles with damages not exceeding 90% of actual cash value will be branded.
- Requires use of DMV’s vehicle disposition reporting system (VDR) for all Auto Recycler licensees (currently optional). This will ensure timely and accurate reporting of the death of the vehicle so the vehicle record will reflect that the vehicle has been demolished or declared nonrepairable.
- Eliminates the requirement that insurance companies submit repair estimates when declaring a stolen vehicle nonrepairable. As a vehicle which is declared nonrepairable can never again be rebuilt for use on the highways, repair estimates are unnecessary.
- Creates an ‘umbrella’ category of license – Auto Recycler – that will make it easy for licensees to register to conduct multiple types of activities under one license (for instance, as a demolisher and a rebuilder). This will not change the existing types of licenses, but will allow a licensee the option of one application instead of being required to submit an application for each type of business. The Auto Recycler license will reflect each of those businesses in one document.
- Requires rebuilt salvage vehicles to undergo and pass a new state safety inspection prior to undergoing a DMV anti-theft examination. The safety inspection will ensure that the rebuilt vehicle meets the standards required for safe operation on the highways for any vehicle.
- Provides DMV law enforcement with the authority to halt the anti-theft examination process in place until any questionable aspects of the vehicle have been addressed. This would not require starting the process over from the beginning, but rather simply picking back up at the point the process was halted. This approach would also mean the vehicle owner would not incur a second or subsequent DMV anti-theft examination fee.
- Requires salvage pools to collect and maintain information on their buyers, as they already do on their sellers, and to provide this information to law enforcement as needed. This provides a record trail in the event buyers (as well

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as sellers) need to be informed of any irregularities in the vehicle or in the transaction.

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SB 1003: Off-road motorcycles converted to on-road use; titling and registration requirements, penalty. (Newman)(Chapter 259)  
Amends Va. Code § 46.2-625 and adds § 46.2-602.4

This bill establishes titling and registration requirements for off-road motorcycles converted to on-road use and includes off-road motorcycles converted to on-road use in existing titling requirements for non-conventional vehicles. The bill requires individuals who convert off-road motorcycles to on-road use to certify that the vehicle (i) passed Virginia safety inspections, (ii) meets all federal safety standards, and (iii) is properly labeled. The bill makes falsifying the required certification a Class 1 misdemeanor. This bill is a result of the 2014 Non-Conventional Vehicles Study completed by DMV.

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## **Customer Service**

SB 1411: Court costs; agreement with DMV authorizing collection of payment. (Newman)(Chapter 228)  
Amends Va. Code by adding § 19.2-349.1

This bill allows the Executive Secretary of the Supreme Court to enter into an agreement with the Commissioner of DMV for the collection of court fines, costs, forfeitures, and penalties and court-ordered restitution at DMV customer service centers. The bill allows DMV to collect a processing fee to pay its processing costs. The transaction fee shall be \$2, unless payment is made by credit card or debit card and the merchant's fees and other transaction costs imposed by the card issuer are charged to DMV, in which case the processing fee shall be the greater of (i) \$2 or (ii) an amount not to exceed four percent of the amount of the payment. DMV may also collect any processing fee charged by a private vendor operating under contract to distribute to the court payments received by the Department. All processing fees imposed and collected by DMV under this section shall be in addition to the other fees specified in this chapter. All such processing fees



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collected by DMV shall be paid into the state treasury as provided in § 46.2-206 and used to meet the expenses of DMV. The service charge provided under § 46.2-212.1 shall not be added to the processing fee authorized under this section. Other fees specified in this chapter, including those payable pursuant to collections contracts made by attorneys for the Commonwealth, shall not be diminished or offset due to receipt of payments by DMV.

The Commissioner of DMV and the Executive Secretary of the Supreme Court shall submit a report of their progress in implementing the provisions of this act by December 1 of each year to the Chairmen of the House and Senate Committees for Courts of Justice and the House and Senate Committees on Transportation.

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## **Data Management Services**

HB 1392: Emergency contact program; DMV may establish.  
(Garrett)(Chapter 162)  
Amends Va. Code by adding § 46.2-203.2

This bill provides that DMV may establish an emergency contact program to allow customers to give DMV an emergency contact person (up to 2) and information to keep in their customer record to be made available to law-enforcement officers in emergency situations. In the event of an emergency situation, local law enforcement in the exercise of their official duties would be able to access the DMV information on emergency contacts through the Virginia Criminal Information Network (VCIN).

The specific statutory authority to collect such information would provide customers with the opportunity to provide emergency contact information voluntarily and free of charge to DMV. Customers will be permitted to provide two contacts that will be stored in the database. DMV will provide a method by which applicants submitting emergency contact information to the Department may submit such information electronically pursuant to § 46.2-216.1.

**The provisions of this bill become effective January 1, 2016.**

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HB 1748: Accidents; reports maintained by DMV. (Ransone)(Chapter 171)  
Amends Va. Code § 46.2-380

This bill grants next of kin of any person injured or killed in an accident, except for minors, access to reports of the accident maintained by DMV. Access to reports of accidents involving a minor is only available to his parent or guardian. "Next of kin" as defined in § 54.1-2800 means any of the following persons, regardless of the relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to § 54.1-2825, the legal spouse, child over 18 years of age, custodial parent, noncustodial parent, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18 years of age, or any other relative in the descending order of blood relationship.

**Contact:**

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HB 1957: Juvenile records; DMV information released to certain persons.  
(McClellan)(Chapter 478)  
Amends Va. Code § 46.2-383

This bill prohibits DMV from displaying non-motor vehicle related convictions and offense descriptions on juvenile abstracts released to requestors other than the person himself, his parent or guardian, law-enforcement officers, attorneys for the Commonwealth, and courts.

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HJ 594: Insurance underwriting; Bureau of Insurance to study use of credit history. (Lingamfelter)

This resolution requests the Bureau of Insurance to study the use by insurers of insured's or applicant's credit information in connection with underwriting motor vehicle insurance policies. The Bureau of Insurance shall submit a report of its findings and recommendations to the Chairmen of the House Committee on Commerce and Labor and the Senate Committee on Commerce by October 1, 2016. Technical assistance shall be provided to the Bureau of Insurance by DMV. All agencies of the Commonwealth shall provide assistance to the Bureau of Insurance for this study, upon request.

**Contact:**

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### **Driver's Licenses and Identification Cards**

HB 1603: Identification cards, special; contents on DMV issued cards.  
(Marshall)(Chapter 167)  
Amends Va. Code § 46.2-345

This bill allows special identification cards issued by DMV to indicate, when requested by the applicant, his parent if the applicant is a minor, or his guardian, that the applicant (i) is an insulin-dependent diabetic, (ii) is hearing or speech impaired, or (iii) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17. Current law allows only the applicant to request an indicator on a special identification card.

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HB 1639: DUI; persons convicted under laws of other states or federal law.  
(Miller)(Chapter 729)  
Amends Va. Code § 46.2-345

This bill provides that persons convicted in a federal court of an offense substantially similar to Virginia's DUI laws may petition the Virginia general district court in the jurisdiction in which they reside for a restricted driver's license. Currently, only persons convicted in other states of substantially similar DUI offenses may petition. The bill also requires that, as a condition of a restricted license, a person who has been convicted of a substantially similar DUI offense under the laws of another state or the United States install and successfully complete the ignition interlock requirement.

If the court, as a condition of license restoration or as a condition of a restricted license or when required by § 18.2-270.1, fails to prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system, the Commissioner shall enforce the requirements relating to installation of such systems in accordance with the provisions of § 18.2-270.1.

**This bill contains an emergency clause and was effective April 15, 2015.**

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SB 931: Virginia Values Veterans Program; fee. (Lewis)(Chapter 693)  
Amends Va. Code § 46.2-345.1

The bill now defines "veteran" for the purposes of issuance of a veterans identification card as a Virginia resident who has:

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- Served in the United States armed forces or, the reserves, or the Virginia National Guard for more than 180 days; and
- Been discharged or released from duty under "honorable" or "general" conditions

As a result of this bill, reservists and Virginia National Guard members are now eligible to obtain a veterans ID card as long as they meet the criteria noted above.

In addition, the list of acceptable proof documents has been expanded to include the National Guard Report of Separation and Record of Service (NG22).

The fee for the issuance of an original or replacement veterans ID card is still \$10.

The veterans identification card cannot be used for determination of any federal benefits.

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## **Highway Safety**

HB 1342 and SB 1220: Driver of motor vehicle following too closely; includes non-motor vehicles. (DeSteph and Reeves)(Chapters 188 and 31)  
Amends Va. Code § 46.2-816

This bill amends § 46.2-816 of the Code to prohibit operators of a motor vehicle from following any other vehicle (not only motor vehicles) more closely than is reasonable. The non-motor vehicles include bicycles, electric assistive mobility devices, electric power-assisted bicycles, and mopeds among vehicles that the driver of any motor vehicle shall not follow more closely than is reasonable.

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HB 1344: Flashing lights on motor vehicles; "move over" law.  
(Rasoul)(Chapter 41)  
Amends Va. Code § 46.2-1025

This bill specifies that vehicles that assist with the management of roadside and traffic incidents or perform traffic management services along public highways may be equipped with flashing, blinking, or alternating amber warning lights. Virginia's "move over" law applies to such vehicles. A violation of this provision is punishable as a traffic infraction.

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HB 1379: Stationary mail vehicles; related to passing. (Farrell)(Chapter 189)  
Amends Va. Code § 46.2-838

This bill requires the driver of any motor vehicle overtaking a vehicle used to collect or deliver the United States mail that is displaying a flashing, blinking, or alternating amber light to proceed with due caution and maintain a safe speed. A violation of this provision is punishable as a traffic infraction.

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HB 1649: Stationary refuse-collection vehicles; procedure for passing and overtaking. (Villanueva)(Chapter 197)  
Amends Va. Code § 46.2-838

This bill requires that certain procedures be followed when passing certain stationary refuse collection vehicles. A violation of this provision is punishable as a traffic infraction. When passing a refuse-collection vehicle on a highway with fewer than four lanes, the driver of the motor vehicle is to decrease his or her speed by ten miles per hour below the posted speed limit and pass at least two feet to the left of the refuse-collection vehicle.

When passing a refuse-collection vehicle on a highway with at least four lanes and at least two lanes intended for traffic proceeding in the same direction, the driver of the motor vehicle is to pass in a lane not adjacent to the refuse-collection vehicle while yielding the right-of-way.

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SB 781: Passing with a double yellow line; drivers allowed to pass a pedestrian, bicycle, skateboard, etc. (Alexander)(Chapter 416)  
Amends Va. Code § 46.2-804

This bill allows drivers to cross double yellow lines in order to pass a pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, if such movement can be made safely.

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SB 793: Towing truck driver, etc.; prohibits occupants in motor vehicle while such vehicle is being towed. (Carrico)(Chapter 217)  
Amends Va. Code § 46.2-118

This bill prohibits tow truck drivers and towing and recovery operators from knowingly towing a motor vehicle with occupants while on a public highway.

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SB 836: Motorcycles; standing on footpegs when dictated by safety concerns. (Howell)(Chapter 218)  
Amends Va. Code § 46.2-909

This bill allows a driver of a motorcycle to stand on the footpegs for no longer than necessary when dictated by safety concerns.

**Contact:**

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## **Information Technology**

HB 1562 and SB 814: Electronic identity management; standards, liability. (Rust and Watkins)(Chapters 482 and 483)  
Amends Va. Code by adding §§ 2.2-436, 2.2-437, 59.1-550 through 59.1-555

This bill creates the Identity Management Standards Advisory Council to advise the Secretaries of Technology and Transportation on the adoption of technical and data standards regarding the verification and authentication of identity in digital and online transactions. The bill establishes in the Code of Virginia the concept of an identity trust framework operator, an entity that establishes rules and policies for identity providers operating within the framework and issues electronic trustmarks to such providers signifying compliance with the rules and policies of that trust framework. The bill also limits liability for providers that adhere to the adopted standards, the applicable contract terms, and the rules and policies of the identity trust framework provider, absent gross negligence or willful misconduct. The bill provides that the provider's adherence to the adopted standards and applicable contract terms of the identity framework shall satisfy any requirement for a commercially reasonable security or attribution procedure under Title 8.4A (Commercial Code), the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), and the Uniform Computer Information Transactions Act (§ 59.1-501.1 et seq.).

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### **Legal Affairs and Hearings Office**

HB 1549: Motor vehicle dealers; prohibits franchisors from coercing dealers to provide access to data. (Greason)(Chapter 155)  
Amends Va. Code § 46.2-1569

This bill prohibits motor vehicle franchisors from coercing motor vehicle dealers to provide access to certain consumer data. The bill does not prohibit a franchised dealer from sharing consumer data with a motor vehicle manufacturer, factory branch, distributor, or distributor branch, but does prohibit those entities from requiring or coercing the dealer to do so.

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HB 1935: Motor vehicle dealers; prohibits coercion by any manufacturer, distributor, or any affiliate. (Habeeb)(Chapter 236)  
Amends Va. Code §§ 46.2-1500, 46.2-1566, 46.2-1568, and 46.2-1569

This bill prohibits coercion of motor vehicle dealers by franchisors acting through “affiliates” and clarifies that those franchisors or their affiliates may not coerce or require dealers to sell franchisor or affiliate products in connection with sales of vehicles. An affiliate is defined as an entity that is either directly controlled by a manufacturer, factory branch, distributor, or distributor branch by virtue of a 51% ownership or voting stake in the affiliate or controlled by another entity that has a 51% ownership or voting stake in the manufacturer, factory branch, distributor, or distributor branch.

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SB 927: Administrative Process Act; process for disqualification of a hearing officer. (Edwards)(Chapter 636)  
Amends Va. Code § 2.2-4024; Adds § 2.2-4024.1

This bill establishes a process for the disqualification of presiding officers and hearing officers in situations where such officers cannot accord a fair and impartial hearing or consideration or when required by the applicable rules governing the practice of law. A presiding officer or hearing officer shall be subject to disqualification for any factor leading a reasonable person to question his impartiality, including prejudice, financial interest, and ex parte communications. The bill establishes a process for challenging the initial decision to not disqualify. The fact that the hearing officer is employed by an agency, without more, is not grounds for disqualification.

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SB 1118: Hearing officers; requirements and hearing process for motor vehicle franchise dealers, report. (Norment)(Chapter 557)  
Amends Va. Code § 46.2-1573

This bill requires that reasonable efforts be made to hire hearing officers for hearings regarding franchise dealers of motor vehicles that have at least five years of experience as a hearing officer in administrative hearings in Virginia, have telephone and email capability, and are active members of the Virginia State Bar; and requires the Commissioner of DMV to report on the feasibility of hiring hearing officers with these qualifications. The bill also provides for the hearing process to follow the Rules of Supreme Court of Virginia regarding the discovery process, expert reports, and forms of discovery.

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## **Motor Carrier and Tax Services**

HB 2072 and SB 989: Forest products; establishes overweight permit for hauling. (Knight and Cosgrove)(Chapters 72 and 40)  
Amends Va. Code § 46.2-1148.1

The bill specifies that permits are to be issued to trucks hauling forestry products, and indicates what the weight limits of such trucks shall be with specific weight limits for different vehicle configurations. The bill defines "forestry products" as raw logs to market and wood residuals, including wood chips, sawdust, mulch, and tree bark. The bill allows these permits to be issued on all unrestricted routes as found in § 46.2-1141 through § 46.2-1149.5. Vehicles carrying forestry products shall not exceed 55 miles per hour.

**Contact:**

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SB 956: Overheight vehicles; owner of vehicle to be fined for any damage. (Lewis)(Chapter 181)  
Amends Va. Code § 46.2-1110

The bill exempts from penalties applicable to overheight vehicles the driver of any vehicle exceeding the prescribed maximum height who is attempting to drive through the westbound tunnel of the Hampton Roads Bridge Tunnel and who elects to wait until the end of peak traffic periods so that the Department of



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Transportation or State Police may safely stop traffic and allow the vehicle to proceed in the opposite direction.

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### **Motor Vehicles**

HB 1341 and SB 1218: Autocycles; exempted from motor vehicle emissions inspection program. (Scott and Reeves)(Chapters 161 and 95)  
Amends Va. Code § 46.2-1177

The bills exempt autocycles that from the motor vehicle emissions inspection program.

**Contact:**

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SB 878: Motor vehicle dealer buyer's orders; includes new vehicles with certain gross weight. (Cosgrove)(Chapter 682)  
Amends Va. Code § 46.2-1530

Buyer's orders for new motor vehicles that have accumulated more than 750 miles as a demonstrator or as a result of delivery to a prospective purchaser who never took title to the new motor vehicle and returned it can be sold as new. The previous gross vehicle weight rating (GVWR) limit of 16,000 pounds was removed. The dealer is required to provide a written disclosure provided in Va. Code § 46.2-1530(D).

Tractor trucks, trucks having a gross vehicle weight rating of 16,000 pounds or more, and semi-trailers are exempt from buyer's orders.

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SB 1085: Value of property; enforcement of liens. (Vogel)(Chapter 640)  
Amends Va. Code § 46.2-644.03

This bill increases from \$10,000 to \$12,500 the maximum value of property that may be sold for cash at auction to satisfy a lien on a motor vehicle without petitioning for a court order for the sale of such property. The bill also requires the Commissioner of DMV to determine the value of the property by using the trade-in value of the vehicle as found in a recognized pricing guide (National Auto Dealers Association (NADA) and to communicate such value to the bailee.

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### **Special License Plates**

**HB 1319: Special license plates; CURE CHILDHOOD CANCER.**  
**(Greason)(Chapter 630)**  
**§ 1 Bill**

This bill authorizes that on receipt of an application and following the provisions of § 46.2-725 the Commissioner shall issue special license plates for supporters of curing childhood cancer bearing the legend CURE CHILDHOOD CANCER. This bill may be known as "The Mathias Bill."

**This bill contains an emergency clause and was effective March 26, 2015.**

**Contact:**

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**HB 1374: License plates, special; issuance for veterans who have a service-connected disability. (Tyler)(Chapter 457)**  
**Amends Va. Code § 46.2-739**

This bill permits veterans who have been certified by the U.S. Department of Veterans Affairs as having any service-connected disability to be issued disabled veteran license plates. The bill also provides that no annual registration fee and no annual fee shall be required for any one motor vehicle owned and used personally by any disabled veteran who 1) has either lost, or lost the use of, a leg, arm, or hand; 2) is blind; or 3) is permanently and totally disabled as certified by the U.S. Department of Veterans Affairs. The unremarried surviving spouse of such disabled veteran is eligible to receive the plate.

Disabled veterans that have any other service connected disability are eligible to receive disabled veteran plates, but registration and annual plate fees apply for all sets. DMV will accept as certification of the veteran's disability either the Veteran Certification of Disability (VSA 54) or U.S. Department of Veteran Affairs Benefit Letter. After the transaction is complete, send a copy of the certification document and License Plate Application (VSA 10) to Special Registration through Landing Zone.

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SB 839: License plates, special; issuance of those bearing legend NEWPORT NEWS SHIPBUILDING. (Howell)(Chapter 242)  
§ 1 Bill

This bill authorizes that on receipt of an application and following the provisions of § 46.2-725 the Commissioner shall issue special license plates for supporters of Newport News Shipbuilding bearing the legend NEWPORT NEWS SHIPBUILDING.

**Contact:**

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SB 979: License plates, special; issuance for recipients of Legion of Merit Medal. (Ruff)(Chapter 245)  
§ 1 Bill

This bill authorizes the issuance of special license plates for recipients of the Legion of Merit Medal upon receipt of an application and written evidence that the applicant has been awarded a Legion of Merit Medal. For each set of license plates issued to recipients of a Legion of Merit Medal, the Commissioner shall charge a one-time fee of \$10 at the time the plates are issued in addition to the prescribed fee for state license plates. Such license plates shall not be subject to the provisions of subdivision B 1 or B 2 of § 46.2-725 of the Code of Virginia. The design of license plates issued to persons who have been awarded this decoration may vary to reflect the degree of such decoration. Surviving spouses of persons eligible to receive special license plates for recipients of the Legion of Merit Medal who have not remarried may also be issued such license plates.

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## **Miscellaneous**

HB 1279: Motor vehicle sales and use tax; expands certain exemption. (Garrett)(Chapter 1279)  
Amends Va. Code § 58.1-2403

This bill expands the exemption from payment of the motor vehicle sales and use tax for gifts of vehicles to certain family members to include gifts from a child to his parent.

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HB 1340 and SB 1219: Tangible personal property tax relief; autocycles.  
(Scott and Reeves)(Chapters 152 and 96)  
Amends Va. Code § 58.1-3523

The bills add autocycles to those motor vehicles that qualify for tangible personal property tax relief. Beginning in 2016, certain localities will be required to apply tangible personal property tax relief to autocycles used for nonbusiness purposes.

**The provisions of this bill become effective January 1, 2016.**

**Contact:**

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HB 1355: Photo monitoring; use of systems to enforce traffic light signals, appeals. (Ramadan)(Chapter 714)  
Amends Va. Code §§ 15.2-968.1 and 16.1-106

This bill provides that an operator of a motor vehicle found in violation of an ordinance created to enforce photo-monitoring systems for traffic lights has a right to appeal to the circuit court in a civil proceeding. The bill also reduces from \$50 to \$20 the amount of the matter in controversy above which an appeal of right exists in a civil case.

**Contact:**

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HB 1589: Personal property; tax relief on certain motor vehicles leased by members of the military. (Krupicka)(Chapter 266)  
Amends Va. Code § 58.1-3524

This bill requires each locality receiving personal property tax reimbursement from the Commonwealth to ensure that the reimbursement covers all of the tax attributable to the first \$20,000 of value on each qualifying vehicle leased by an active duty member of the United States military, his spouse, or both, pursuant to a contract requiring the active duty member to pay the tangible personal property tax on such vehicle, if the vehicle would not be taxed in Virginia if it were owned.

**Contact:**

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## ***Virginia Department of Motor Vehicles***

### **2015 Legislative Bulletin-Stakeholders**

HB 2235: HOT lanes; when law-enforcement vehicles may use. (Rust)  
(Chapter 73)  
Amends Va. Code § 33.2-500

This bill clarifies that law-enforcement vehicles may use HOT lanes without paying a toll in the performance of law-enforcement duties, which shall not include the use of such vehicles for commuting to and from the workplace or for any purpose other than responding to an emergency incident, patrolling HOT lanes pursuant to an agreement by a state agency with the HOT lanes operator, or the time-sensitive investigation, active surveillance, or actual pursuit of persons known or suspected to be engaged in or with knowledge of criminal activity.

**Contact:**  
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HB 2342 and SB 1430: Salvage license; salvage advertising and display.  
(Villanueva and Cosgrove)(Chapters 240 and 254)  
Amends Va. Code § 46.2-1601.1

This bill prohibits advertising to the public the sale, transport, delivery, removal, or receipt of a salvage or nonrepairable vehicle, or the major component parts of such vehicle, unless the seller is a licensee or an exempt individual. The bill requires a licensee advertiser to display its salvage license number in such advertisement and to state in any such advertisement placed in a newspaper, online, or by other electronic means the company's name, address, and telephone number in addition to its salvage license number.

**Contact:**  
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HB 2313: Transportation funding bill (Chapter 766)  
Amends Va. Code § 58.1-2402

This bill is from the 2013 General Assembly session. It increased the rate of the motor vehicle sales and use tax (SUT) from 4% to 4.05% on July 1, 2014. The SUT will increase to 4.1% on July 1, 2015, and to 4.15% on July 1, 2016.

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