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SENATE BILL NO. 545

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to amend and reenact §§ 10.1-200.3, 10.1-202, 46.2-686, and 46.2-694, as it is currently effective and as it may become effective, of the Code of Virginia, relating to registration fees for motor vehicles; state park access fee.*

Patron—Marsden

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-200.3, 10.1-202, 46.2-686, and 46.2-694, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:

§ 10.1-200.3. Admittance and parking in state parks; prohibitions; civil penalty.

A. No person shall make use of, gain admittance to, or attempt to use or gain admittance to the facilities in any state park for the use of which a charge is assessed by the Department, unless the person pays the charge or price established by the Department *or shows proof of payment of the state park access fee pursuant subdivision A 14 of § 46.2-694.*

B. No owner or driver shall cause or permit a vehicle to stand:

1. Anywhere in a state park outside of designated parking spaces, except for a reasonable time in order to receive or discharge passengers; or

2. In any space in a state park designated for use by the handicapped unless the vehicle displays a license plate or decal issued by the Commissioner of the Department of Motor Vehicles, or a similar identification issued by a similar authority of another state or the District of Columbia, which authorizes parking in a handicap space.

C. Any person violating any provision of this section may, in lieu of any criminal penalty, be assessed a civil penalty of ~~twenty-five dollars~~ \$25 by the Department. Civil penalties assessed under this section shall be paid into the Conservation Resources Fund.

§ 10.1-202. Gifts, funds, and fees designated for state parks; establishment of funds.

A. The State Park Conservation Resources Fund shall consist of all state park fees, *including the access fee collected pursuant to subdivision A 14 of § 46.2-694*, fees from concessions, civil penalties assessed pursuant to § 10.1-200.2 and under § 10.1-200.3, all revenues associated with forest product sales on state parks pursuant to § 10.1-113, and all funds accruing from, on account of, or to the use or management of state parks acquired or held by the Department. This special fund shall be noninterest bearing. The fund shall be under the direction and control of the Director and may be expended for the conservation, development, maintenance, and operations of state parks acquired or held by the Department. Unexpended portions of the fund shall not revert to the state treasury at the close of any fiscal year unless specified by an act of the General Assembly.

B. The State Park Acquisition and Development Fund shall consist of the proceeds from the sale of surplus property. This special fund shall be noninterest bearing. The fund shall be under the direction and control of the Director and shall be used exclusively for the acquisition and development of state parks. Unexpended portions of the fund shall not revert to the state treasury at the close of any fiscal year unless specified by an act of the General Assembly.

C. The State Park Projects Fund shall consist of all income, including grants from any source, gifts and bequests of money, securities and other property, and gifts and devises of real property or interests therein given or bequeathed to the Department for the conservation, development, maintenance, or operations of state parks. This special fund shall be interest bearing and any income earned from these gifts, bequests, securities or other property shall be deposited to the credit of the fund. This fund shall be under the control of the Director and may be expended with advice from the Board for the conservation, development, maintenance, or operations of state parks. Unexpended portions of the fund shall not revert to the state treasury at the close of any fiscal year unless specified by an act of the General Assembly.

D. The Director is authorized to receive and to sell, exchange, or otherwise dispose of or invest as he deems proper the moneys, securities, or other real or personal property or any interest therein given or bequeathed to the Department for any of the funds established under this section, unless such action is restricted by the terms of a gift or bequest. The Director may enter into contracts and agreements, as approved by the Attorney General, to accomplish the purposes of these funds. The Director may do any and all lawful acts necessary or appropriate to carry out the purposes for which the above funds were

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59 established.

60 E. These funds shall not include any gifts of money to the Virginia Land Conservation Foundation or
61 other funds deposited in the Virginia Land Conservation Fund.

62 **§ 46.2-686. Portion of certain fees to be paid into special fund.**

63 Except as provided in ~~subdivision~~ *subdivisions* A 13 and 14 of § 46.2-694 and § 46.2-703, an
64 amount equal to 19.6 percent of the fees collected, after refunds, from the registration of motor vehicles,
65 trailers, and semitrailers pursuant to this chapter shall be transferred from the special fund established by
66 the provisions of § 46.2-206 to a special fund in the state treasury to be used to meet the expenses of
67 the Department.

68 **§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation
69 of passengers; weights used for computing fees; burden of proof.**

70 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the
71 transportation of passengers on the highways in the Commonwealth are:

72 1. a. Twenty-three dollars for each private passenger car if the passenger car weighs 4,000 pounds or
73 less, provided that it is not used for the transportation of passengers for compensation and is not kept or
74 used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided
75 under this subdivision shall apply to a private passenger car that weighs 4,000 pounds or less and is
76 used as a TNC partner vehicle as defined in § 46.2-2000.

77 b. Thirty-three dollars for each motor home if the motor home weighs 4,000 pounds or less, provided
78 that it is not used for the transportation of passengers for compensation and is not kept or used for rent
79 or for hire, or is not operated under a lease without a chauffeur.

80 2. a. Twenty-eight dollars for each private passenger car that weighs more than 4,000 pounds,
81 provided that it is not used for the transportation of passengers for compensation and is not kept or used
82 for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided
83 under this subdivision shall apply to a private passenger car that weighs more than 4,000 pounds and is
84 used as a TNC partner vehicle as defined in § 46.2-2000.

85 b. Thirty-eight dollars for each motor home if the motor home weighs more than 4,000 pounds,
86 provided that it is not used for the transportation of passengers for compensation and is not kept or used
87 for rent or for hire, or is not operated under a lease without a chauffeur.

88 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a
89 motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private
90 motor vehicle is not used for the transportation of passengers for compensation and is not kept or used
91 for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less
92 than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
93 pounds.

94 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be
95 less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
96 pounds.

97 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human
98 beings.

99 6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle,
100 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
101 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed
102 in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he
103 may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

104 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle,
105 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
106 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
107 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating
108 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
109 with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway
110 Administration, may apply to the Commissioner for prorated registration. Upon the filing of such
111 application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
112 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
113 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
114 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
115 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
116 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
117 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
118 representatives of the Commissioner at the end of such license year, the expense of such audit to be
119 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
120 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less

than \$33. 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 \$0.80 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 a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

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 Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

10. Fourteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Twelve dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Fourteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 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. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical services purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty 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; (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); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. 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-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six 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 services personnel of nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health and for the purchase of necessary equipment and supplies for use in such locality for emergency medical services provided by nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

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 funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the nonprofit emergency

182 medical services agency that holds a valid license issued by the Commissioner of Health, the local
183 governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal
184 year, a report on the use of the funds returned to the locality pursuant to this section for that year has
185 not been received from a local governing body, any funds due to that local governing body for the next
186 fiscal year shall be retained until such time as the report has been submitted to the Board.

187 *14. An additional annual fee of \$5 shall be charged and collected at the time of registration of each*
188 *private motor vehicle or private pickup or panel truck. All funds collected from the fee shall be paid*
189 *into the state treasury and allocated to the State Park Conservation Resources Fund established*
190 *pursuant to subsection A of § 10.1-202.*

191 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646
192 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or
193 § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the
194 number of months in the registration period for such motor vehicles, trailers, and semitrailers.

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

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

200 **§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of**
201 **passengers; weights used for computing fees; burden of proof.**

202 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the
203 transportation of passengers on the highways in the Commonwealth are:

204 1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor
205 home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for
206 compensation and is not kept or used for rent or for hire, or is not operated under a lease without a
207 chauffeur; however, the fee provided under this subdivision shall apply to a private passenger car or
208 motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in §
209 46.2-2000.

210 2. Twenty-eight dollars for each private passenger car or motor home that weighs more than 4,000
211 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept
212 or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee
213 provided under this subdivision shall apply to a private passenger car or motor home that weighs more
214 than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.

215 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a
216 motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private
217 motor vehicle is not used for the transportation of passengers for compensation and is not kept or used
218 for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less
219 than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
220 pounds.

221 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be
222 less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
223 pounds.

224 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human
225 beings.

226 6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle,
227 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
228 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed
229 in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he
230 may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

231 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle,
232 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
233 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
234 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating
235 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
236 with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway
237 Administration, may apply to the Commissioner for prorated registration. Upon the filing of such
238 application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
239 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
240 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
241 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
242 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
243 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 \$33. 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 \$0.80 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 a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

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 Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3, which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

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11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

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b. Thirty 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; (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); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. 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-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six 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 services personnel of nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health and for the purchase of necessary equipment and supplies for use in such locality for emergency medical services provided by nonprofit or volunteer emergency medical services agencies that hold a valid license issued by the Commissioner of Health.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

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

305 be in addition to any local appropriations and local governing bodies shall not use these funds to
306 supplant local funds. Each local governing body shall report annually to the Board of Health on the use
307 of the funds returned to it pursuant to this section. In any case in which the local governing body grants
308 the funds to a regional emergency medical services council to be distributed to the emergency medical
309 services agency that holds a valid license issued by the Commissioner of Health, the local governing
310 body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report
311 on the use of the funds returned to the locality pursuant to this section for that year has not been
312 received from a local governing body, any funds due to that local governing body for the next fiscal
313 year shall be retained until such time as the report has been submitted to the Board.

314 *14. An additional annual fee of \$5 shall be charged and collected at the time of registration of each*
315 *private motor vehicle or private pickup or panel truck. All funds collected from the fee shall be paid*
316 *into the state treasury and allocated to the State Park Conservation Resources Fund established*
317 *pursuant to subsection A of § 10.1-202.*

318 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646
319 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or
320 § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the
321 number of months in the registration period for such motor vehicles, trailers, and semitrailers.

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

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