

075939129

HOUSE BILL NO. 3202
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Governor
 on March 26, 2007)

(Patron Prior to Substitute—Delegate Howell, W.J.)

A *BILL to amend and reenact §§ 2.2-1514, 10.1-1188, 15.2-2317, 15.2-2318, 15.2-2319, 15.2-2320, 15.2-2321, 15.2-2322, 15.2-2323, 15.2-2324, 15.2-2325, 15.2-2326, 15.2-2327, 15.2-2403, 15.2-4839, 15.2-4840, 33.1-3, 33.1-13, 33.1-19.1, 33.1-23.03, 33.1-23.03:8, 33.1-223.2:12, 33.1-268, 33.1-269, 33.1-277, 46.2-694, 46.2-694.1, 46.2-697, 46.2-1135, 58.1-605, 58.1-606, 58.1-811, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2403, 58.1-2425, 58.1-2701, and 58.1-2706 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 15.2-2223.1, by adding in Chapter 22 of Title 15.2 an article numbered 9, consisting of sections numbered 15.2-2328 and 15.2-2329, by adding in Article 1 of Chapter 24 of Title 15.2 a section numbered 15.2-2403.1, by adding a section numbered 15.2-4838.1, by adding in Title 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-282, by adding a section numbered 33.1-23.4:01, by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.15, by adding sections numbered 46.2-206.1, 46.2-702.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-625.1, 58.1-802.1, and 58.1-815.4, by adding in Chapter 17 of Title 58.1 an article numbered 4.1, consisting of sections numbered 58.1-1724.2 through 58.1-1724.7, by adding a section numbered 58.1-2402.1, by adding in Article 2 of Chapter 25 of Title 58.1 a section numbered 58.1-2531, and by adding sections numbered 58.1-3221.2 and 58.1-3825.1; and to repeal the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly of 2000, and to authorize the Commonwealth Transportation Board to issue certain bonds, relating to transportation.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1514, 10.1-1188, 15.2-2317, 15.2-2318, 15.2-2319, 15.2-2320, 15.2-2321, 15.2-2322, 15.2-2323, 15.2-2324, 15.2-2325, 15.2-2326, 15.2-2327, 15.2-2403, 15.2-4839, 15.2-4840, 33.1-3, 33.1-13, 33.1-19.1, 33.1-23.03, 33.1-23.03:8, 33.1-223.2:12, 33.1-268, 33.1-269, 33.1-277, 46.2-694, 46.2-694.1, 46.2-697, 46.2-1135, 58.1-605, 58.1-606, 58.1-811, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2403, 58.1-2425, 58.1-2701, and 58.1-2706 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2223.1, by adding in Chapter 22 of Title 15.2 an article numbered 9, consisting of sections numbered 15.2-2328 and 15.2-2329, by adding in Article 1 of Chapter 24 of Title 15.2 a section numbered 15.2-2403.1, by adding a section numbered 15.2-4838.1, by adding in Title 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-282, by adding a section numbered 33.1-23.4:01, by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.15, by adding sections numbered 46.2-206.1, 46.2-702.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-625.1, 58.1-802.1, and 58.1-815.4, by adding in Chapter 17 of Title 58.1 an article numbered 4.1, consisting of sections numbered 58.1-1724.2 through 58.1-1724.7, by adding a section numbered 58.1-2402.1, by adding in Article 2 of Chapter 25 of Title 58.1 a section numbered 58.1-2531, and by adding sections numbered 58.1-3221.2 and 58.1-3825.1 as follows:

§ 2.2-1514. Designation of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1503.2, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act. *Such term shall not include any expenditures relating to transportation, including but not limited to transportation maintenance.*

B. At the end of each fiscal year, the Comptroller shall designate within his annual report pursuant to § 2.2-813 an amount for nonrecurring expenditures, which shall equal the remaining amount of the general fund balance that is not otherwise reserved or designated. *as follows: one-third of the remaining amount of the general fund balance that is not otherwise reserved or designated shall be designated by the Comptroller for nonrecurring expenditures, and two-thirds shall be designated for deposit into the Transportation Trust Fund.* No such designation shall be made unless the full amounts required for other reserves or designations including, but not limited to, (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of

HOUSE
 SUBSTITUTE

HB3202H4

60 unexpended appropriations to certain public institutions of higher education pursuant to § 2.2-5005, (v)
 61 pro rata rebate payments to certain public institutions of higher education pursuant to § 2.2-5005, (vi)
 62 the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year,
 63 and (vii) interest payments on deposits of certain public institutions of higher education pursuant to
 64 § 2.2-5005 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and
 65 (vii) beginning with the initial fiscal year as determined under § 2.2-5005 and for all fiscal years
 66 thereafter.

67 C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended
 68 appropriations from the general fund or recommended amendments to general fund appropriations in the
 69 general appropriation act in effect at that time an amount for nonrecurring expenditures *and an amount*
 70 *for deposit into the Transportation Trust Fund* equal to the ~~amount~~ amounts designated by the
 71 Comptroller for such ~~purpose~~ purposes pursuant to the provisions of subsection B of this section. *Such*
 72 *deposit to the Transportation Trust Fund shall not preclude the appropriation of additional amounts*
 73 *from the general fund for transportation purposes.*

74 § 10.1-1188. State agencies to submit environmental impact reports on major projects.

75 A. All state agencies, boards, authorities and commissions or any branch of the state government
 76 shall prepare and submit an environmental impact report to the Department on each major state project.

77 "Major state project" means the acquisition of an interest in land for any state facility construction,
 78 or the construction of any facility or expansion of an existing facility which is hereafter undertaken by
 79 any state agency, board, commission, authority or any branch of state government, including
 80 state-supported institutions of higher learning, which costs \$100,000 or more. For the purposes of this
 81 chapter, authority shall not include any industrial development authority created pursuant to the
 82 provisions of Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 or Chapter 643, as amended, of the 1964
 83 Acts of Assembly. Nor shall authority include any housing development or redevelopment authority
 84 established pursuant to state law. For the purposes of this chapter, branch of state government shall ~~not~~
 85 ~~include~~ apply to any county, city or town of the Commonwealth *only in connection with highway*
 86 *construction, reconstruction, or improvement projects affecting highways or roads undertaken by the*
 87 *county, city, or town.*

88 Such environmental impact report shall include, but not be limited to, the following:

89 1. The environmental impact of the major state project, including the impact on wildlife habitat;
 90 2. Any adverse environmental effects which cannot be avoided if the major state project is
 91 undertaken;

92 3. Measures proposed to minimize the impact of the major state project;

93 4. Any alternatives to the proposed construction; and

94 5. Any irreversible environmental changes which would be involved in the major state project.

95 For the purposes of subdivision 4 of this subsection, the report shall contain all alternatives
 96 considered and the reasons why the alternatives were rejected. If a report does not set forth alternatives,
 97 it shall state why alternatives were not considered.

98 B. For purposes of this chapter, this subsection shall ~~not~~ *only* apply to the review of highway and
 99 road construction projects or any part thereof. The Secretaries of Transportation and Natural Resources
 100 shall jointly establish procedures for review and comment by state natural and historic resource agencies
 101 of highway and road construction projects. Such procedures shall provide for review and comment on
 102 appropriate projects and categories of projects to address the environmental impact of the project, any
 103 adverse environmental effects which cannot be avoided if the project is undertaken, the measures
 104 proposed to minimize the impact of the project, any alternatives to the proposed construction, and any
 105 irreversible environmental changes which would be involved in the project.

106 § 15.2-2223.1. *Comprehensive plan to include urban development areas; new urbanism.*

107 A. *Every county, city, or town that has adopted zoning pursuant to Article 7 (§ 15.2-2280 et seq.) of*
 108 *Chapter 22 of Title 15.2 and that (i) has a population of at least 20,000 and population growth of at*
 109 *least 5% or (ii) has population growth of 15% or more, shall, and any county, city or town may, amend*
 110 *its comprehensive plan to incorporate one or more urban development areas. For purposes of this*
 111 *section, population growth shall be the difference in population from the next-to-latest to the latest*
 112 *decennial census year, based on population reported by the United States Bureau of the Census. For*
 113 *purposes of this section, an urban development area is an area designated by a locality that is*
 114 *appropriate for higher density development due to proximity to transportation facilities, the availability*
 115 *of a public or community water and sewer system, or proximity to a city, town, or other developed area.*
 116 *The comprehensive plan shall provide for commercial and residential densities within urban*
 117 *development areas that are appropriate for reasonably compact development at a density of at least four*
 118 *residential units per gross acre and a minimum floor area ratio of 0.4 per gross acre for commercial*
 119 *development. The comprehensive plan shall designate one or more urban development areas sufficient*
 120 *to meet projected residential and commercial growth in the locality for an ensuing period of at least 10*
 121 *but not more than 20 years, which may include phasing of development within the urban development*

122 areas. Future growth shall be based on official estimates and projections of the Weldon Cooper Center
 123 for Public Service of the University of Virginia or other official government sources. The boundaries
 124 and size of each urban development area shall be reexamined and, if necessary, revised every five years
 125 in conjunction with the update of the comprehensive plan and in accordance with the most recent
 126 available population growth estimates and projections. Such districts may be areas designated for
 127 redevelopment or infill development.

128 B. The comprehensive plan shall further incorporate principles of new urbanism and traditional
 129 neighborhood development, which may include but need not be limited to (i) pedestrian-friendly road
 130 design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of
 131 road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of requirements for
 132 stormwater management, (vi) mixed-use neighborhoods, including mixed housing types, (vii) reduction of
 133 front and side yard building setbacks, and (viii) reduction of subdivision street widths and turning radii
 134 at subdivision street intersections.

135 C. The comprehensive plan shall describe any financial and other incentives for development in the
 136 urban development areas.

137 D. No county, city, or town that has amended its comprehensive plan in accordance with this section
 138 shall limit or prohibit development pursuant to existing zoning or shall refuse to consider any
 139 application for rezoning based solely on the fact that the property is located outside the urban
 140 development area.

141 E. Any county, city, or town that would be required to amend its plan pursuant to this section that
 142 determines that its plan accommodates growth in a manner consistent with this section, upon adoption
 143 of a resolution certifying such compliance, shall not be required to further amend its plan.

144 F. Any county that amends its comprehensive plan pursuant to this section may designate one or
 145 more urban development areas in any incorporated town within such county, if the governing body of
 146 the town has also amended its comprehensive plan to designate the same areas as urban development
 147 areas with at least the same density designated by the county.

148 G. To the extent possible, state and local transportation, housing, and economic development funding
 149 shall be directed to the urban development area.

150 § 15.2-2317. Applicability of article.

151 This article shall apply to (i) any county having a population of 500,000 or more as determined by
 152 the most recent U.S. Census, (ii) any county or city adjacent thereto, (iii) any city contiguous to such
 153 adjacent county or city, (iv) any town within such county or an adjacent county, (v) any county having
 154 a population between 58,000 and 62,000 as determined by the 1990 U.S. Census, (vi) Fauquier County,
 155 (vii) Spotsylvania County and (viii) Frederick County any locality that has adopted zoning pursuant to
 156 Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 and that (i) has a population of at least
 157 20,000 and has a population growth rate of at least 5% or (ii) has population growth of 15% or more.
 158 For the purposes of this section, population growth shall be the difference in population from the
 159 next-to-latest to the latest decennial census year, based on population reported by the United States
 160 Bureau of the Census.

161 § 15.2-2318. Definitions.

162 As used in this article, unless the context requires a different meaning:

163 "Cost" includes, in addition to all labor, materials, machinery and equipment for construction, (i)
 164 acquisition of land, rights-of-way, property rights, easements and interests, including the costs of moving
 165 or relocating utilities, (ii) demolition or removal of any structure on land so acquired, including
 166 acquisition of land to which such structure may be moved, (iii) survey, engineering, and architectural
 167 expenses, (iv) legal, administrative, and other related expenses, and (v) interest charges and other
 168 financing costs if impact fees are used for the payment of principal and interest on bonds, notes or other
 169 obligations issued by the locality to finance the road improvement.

170 "Impact fee" means a charge or assessment imposed against new development in order to generate
 171 revenue to fund or recover the costs of reasonable road improvements necessitated by and attributable to
 172 benefiting the new development. Impact fees may not be assessed and imposed for road repair, operation
 173 and maintenance, nor to expand existing roads to meet demand which existed prior to the new
 174 development.

175 "Impact fee service area" means land designated by ordinance within a locality, an area designated
 176 within the comprehensive plan of a locality having clearly defined boundaries and clearly related traffic
 177 needs and within which development is to be subject to the assessment of impact fees.

178 "Road improvement" includes construction of new roads or improvement or expansion of existing
 179 roads and related appurtenances as required by applicable construction standards of the Virginia
 180 Department of Transportation, or the applicable standards of a locality with road maintenance
 181 responsibilities, to meet increased demand attributable to new development. Road improvements do not
 182 include on-site construction of roads which a developer may be required to provide pursuant to

183 §§ 15.2-2241 through 15.2-2245.

184 § 15.2-2319. Authority to assess and impose impact fees.

185 Any applicable locality may, by ordinance pursuant to the procedures and requirements of this
186 article, assess and impose impact fees on new development to pay all or a part of the cost of reasonable
187 road improvements ~~attributable in substantial part to that benefit~~ the new development.

188 Prior to the adoption of the ordinance, a locality shall establish an impact fee advisory committee.
189 The committee shall be composed of not less than five nor more than ten members appointed by the
190 governing body of the locality and at least forty percent of the membership shall be representatives from
191 the development, building or real estate industries. The planning commission or other existing committee
192 that meets the membership requirements may serve as the impact fee advisory committee. The
193 committee shall serve in an advisory capacity to assist and advise the governing body of the locality
194 with regard to the ordinance. No action of the committee shall be considered a necessary prerequisite for
195 any action taken by the locality in regard to the adoption of an ordinance.

196 § 15.2-2320. Impact fee service areas to be established.

197 The locality shall delineate one or more impact fee service areas within its ~~jurisdiction~~ *comprehensive*
198 *plan*. Impact fees collected from new development within an impact fee service area shall be expended
199 for road improvements ~~within~~ *benefiting* that impact fee service area. An impact fee service area may
200 encompass more than one road improvement project. *A locality may exclude urban development areas*
201 *designated pursuant to § 15.2-2223.1 from impact fee service areas.*

202 § 15.2-2321. Adoption of road improvements program.

203 Prior to adopting a system of impact fees, the locality shall conduct an assessment of road
204 improvement needs ~~within~~ *benefiting* an impact fee service area ~~and in the locality~~ and shall adopt a
205 road improvements plan for the area showing the new roads proposed to be constructed and the existing
206 roads to be improved or expanded and the schedule for undertaking such construction, improvement or
207 expansion. The road improvements plan shall be adopted as an amendment to the required
208 comprehensive plan and shall be incorporated into the capital improvements program or, in the case of
209 the counties where applicable, the six-year plan for secondary road construction pursuant to
210 § 33.1-70.01.

211 The locality shall adopt the road improvements plan after holding a duly advertised public hearing.
212 The public hearing notice shall identify the impact fee service area or areas to be designated, and shall
213 include a summary of the needs assessment and the assumptions upon which the assessment is based,
214 the proposed amount of the impact fee, and information as to how a copy of the complete study may be
215 examined. A copy of the complete study shall be available for public inspection and copying at
216 reasonable times prior to the public hearing.

217 The locality at a minimum shall include the following items in assessing road improvement needs
218 and preparing a road improvements plan:

219 1. An analysis of the existing capacity, current usage and existing commitments to future usage of
220 existing roads, as indicated by (i) *current and projected service levels*, (ii) current valid building permits
221 outstanding, (ii) ~~approved conditional rezonings, special exceptions, and special use permits~~, and (iii)
222 approved *and pending* site plans and subdivision plats. If the current usage and commitments exceed the
223 existing capacity of the roads, the locality also shall determine the costs of improving the roads to meet
224 the demand. The analysis shall *include any off-site road improvements or cash payments for road*
225 *improvements accepted by the locality and shall include a plan to fund the current usages and*
226 *commitments that exceed the existing capacity of the roads.*

227 2. The projected need for and costs of construction of new roads or improvement or expansion of
228 existing roads attributable in whole or in part to projected new development. Road improvement needs
229 shall be projected for the impact fee service area when fully developed in accord with the
230 comprehensive plan and, if full development is projected to occur more than ~~ten~~ 20 years in the future,
231 at the end of a ~~ten-year~~ *twenty-year* period. The assumptions with regard to land uses, densities,
232 intensities, and population upon which road improvement projections are based shall be presented.

233 3. The total number of new service units projected for the impact fee service area when fully
234 developed and, if full development is projected to occur more than ~~ten~~ 20 years in the future, at the end
235 of a ~~ten-year~~ *twenty-year* period. A "service unit" is a standardized measure of traffic use or generation.
236 The locality shall develop a table or method for attributing service units to various types of development
237 and land use, including but not limited to residential, commercial and industrial uses. The table shall be
238 based upon the ITE manual (published by the Institute of Transportation Engineers) or locally conducted
239 trip generation studies, *and consistent with the traffic analysis standards adopted pursuant to*
240 *§ 15.2-2222.1.*

241 § 15.2-2322. Adoption of impact fee and schedule.

242 After adoption of a road improvement program, the locality may adopt an ordinance establishing a
243 system of impact fees to fund or recapture all or any part of the cost of providing reasonable road
244 improvements ~~required by~~ *benefiting* new development. The ordinance shall set forth the schedule of

245 impact fees.

246 § 15.2-2323. When impact fees assessed and imposed.

247 The amount of impact fees to be imposed on a specific development or subdivision shall be
 248 determined before or at the time the site plan or subdivision is approved. The ordinance shall specify
 249 that the fee is to be collected at the time of the issuance of a ~~certificate of occupancy~~ *building permit*.
 250 The ordinance shall provide that fees (i) may be paid in lump sum or (ii) be paid on installment at a
 251 reasonable rate of interest for a fixed number of years. The locality by ordinance may provide for
 252 negotiated agreements with the owner of the property as to the time and method of paying the impact
 253 fees.

254 The maximum impact fee to be imposed shall be determined (i) by dividing projected road
 255 improvement costs in the *impact fee* service area when fully developed by the number of projected
 256 service units when fully developed, or (ii) for a reasonable period of time, but not less than ten years,
 257 by dividing the projected costs necessitated by development in the next ten years by the service units
 258 projected to be created in the next ten years.

259 The ordinance shall provide for appeals from administrative determinations, regarding the impact fees
 260 to be imposed, to the governing body or such other body as designated in the ordinance. The ordinance
 261 may provide for the resolution of disputes over an impact fee by arbitration or otherwise.

262 ~~No impact fees shall be assessed or imposed upon a development or subdivision if the subdivider or~~
 263 ~~developer has proffered conditions pursuant to §§ 15.2-2298 or 15.2-2303 for off-site road improvements~~
 264 ~~and the proffered conditions have been accepted by the local government.~~

265 § 15.2-2324. Credits against impact fee.

266 The value of any dedication, contribution or construction from the developer for off-site road *or*
 267 *other transportation* improvements ~~within~~ *benefiting* the impact fee service area shall be treated as a
 268 credit against the impact fees imposed on the developer's project. *The locality shall treat as a credit any*
 269 *off-site transportation dedication, contribution, or construction, whether it is a condition of a rezoning*
 270 *or otherwise committed to the locality.* The locality may by ordinance provide for credits for approved
 271 on-site *transportation* improvements in excess of those required by the development.

272 The locality also shall calculate and credit against impact fees the extent to which (i) *other*
 273 developments have already contributed to the cost of existing roads which will ~~serve~~ *benefit* the
 274 development, (ii) new development will contribute to the cost of existing roads, and (iii) new
 275 development will contribute to the cost of road improvements in the future other than through impact
 276 fees, *including any special taxing districts, special assessments, or community development authorities.*

277 § 15.2-2325. Updating plan and amending impact fee.

278 The locality shall update the needs assessment and the assumptions and projections at least once
 279 every two years. The road improvement plan shall be updated at least every two years to reflect current
 280 assumptions and projections. The impact fee schedule may be amended to reflect any substantial changes
 281 in such assumptions and projections. *Any impact fees not yet paid shall be assessed at the updated rate.*

282 § 15.2-2326. Use of proceeds.

283 A separate road improvement account shall be established for the impact fee service area and all
 284 funds collected through impact fees shall be deposited in the interest-bearing account. Interest earned on
 285 deposits shall become funds of the account. The expenditure of funds from the account shall be only for
 286 road improvements ~~within~~ *benefiting* the impact fee service area as set out in the road improvement plan
 287 for the impact fee service area.

288 § 15.2-2327. Refund of impact fees.

289 The locality shall refund any impact fee or portion thereof for which construction of a project is not
 290 completed within a reasonable period of time, not to exceed fifteen years. *In the event that impact fees*
 291 *are not committed to road improvements benefiting the impact fee service area within seven years from*
 292 *the date of collection, the locality may commit any such impact fees to the secondary or urban system*
 293 *construction program of that locality for road improvements that benefit the impact fee service area.*

294 Upon completion of a project, the locality shall recalculate the impact fee based on the actual cost of
 295 the improvement. It shall refund the difference if the impact fee paid exceeds actual cost by more than
 296 fifteen percent. Refunds shall be made to the record owner of the property at the time the refund is
 297 made.

298 *Article 9.*
 299 *Impact Fees.*

300 § 15.2-2328. *Applicability of article.*

301 *The provisions of this article shall apply in their entirety to any locality that has established an*
 302 *urban transportation service district in accordance with § 15.2-2403.1. However, the authority granted*
 303 *by this article may be exercised only in areas outside of urban transportation service districts and on*
 304 *parcels that are currently zoned agricultural and are being subdivided for by-right residential*
 305 *development. The authority granted by this article shall expire on December 31, 2008, for any locality*

306 *that has not established an urban transportation service district and adopted an impact fee ordinance*
307 *pursuant to this article by such date.*

308 *§ 15.2-2329. Imposition of impact fees.*

309 *A. Any locality that includes within its comprehensive plan a calculation of the capital costs of*
310 *public facilities necessary to serve residential uses may impose and collect impact fees in amounts*
311 *consistent with the methodologies used in its comprehensive plan to defray the capital costs of public*
312 *facilities related to the residential development.*

313 *B. Impact fees imposed and collected pursuant to this section shall only be used for public facilities*
314 *that are impacted by residential development.*

315 *C. A locality imposing impact fees as provided in this section shall allow credit against the impact*
316 *fees for cash proffers collected for the purpose of defraying the capital costs of public facilities related*
317 *to the residential development. A locality imposing impact fees as provided in this section shall also*
318 *include within its comprehensive plan a methodology for calculating credit for the value of proffered*
319 *land donations to accommodate public facilities, and for the construction cost of any public facilities or*
320 *public improvements the construction of which is required by proffer.*

321 *D. A locality imposing impact fees under this section may require that such impact fees be paid*
322 *prior to and as a condition of the issuance of any necessary building permits for residential uses.*

323 *E. For the purposes of this section, "public facilities" shall be deemed to include: (i) roads, streets,*
324 *and bridges, including rights-of-way, traffic signals, landscaping, and any local components of federal*
325 *or state highways; (ii) stormwater collection, retention, detention, treatment, and disposal facilities,*
326 *flood control facilities, and bank and shore protection and enhancement improvements; (iii) parks, open*
327 *space, and recreation areas and related facilities; (iv) public safety facilities, including police, fire,*
328 *emergency medical, and rescue facilities; (v) primary and secondary schools and related facilities; and*
329 *(vi) libraries and related facilities; however, the definition "public facilities" for counties within the*
330 *Richmond MSA shall be deemed to include: roads, streets, and bridges, including rights-of-way, traffic*
331 *signals, landscaping, and any local components of federal or state highways.*

332 *§ 15.2-2403. Powers of service districts.*

333 *After adoption of an ordinance or ordinances or the entry of an order creating a service district, the*
334 *governing body or bodies shall have the following powers with respect to the service districts:*

335 *1. To construct, maintain, and operate such facilities and equipment as may be necessary or desirable*
336 *to provide additional, more complete, or more timely governmental services within a service district,*
337 *including but not limited to water supply, sewerage, garbage removal and disposal, heat, light,*
338 *fire-fighting equipment and power and gas systems and sidewalks; economic development services;*
339 *promotion of business and retail development services; beautification and landscaping; beach and*
340 *shoreline management and restoration; control of infestations of insects that may carry a disease that is*
341 *dangerous to humans, gypsy moths, cankerworms or other pests identified by the Commissioner of the*
342 *Department of Agriculture and Consumer Services in accordance with the Virginia Pest Law*
343 *(§ 3.1-188.20 et seq.); public parking; extra security, street cleaning, snow removal and refuse collection*
344 *services; sponsorship and promotion of recreational and cultural activities; upon petition of over 50*
345 *percent of the property owners who own not less than 50 percent of the property to be served,*
346 *construction, maintenance, and general upkeep of streets and roads that are not under the operation and*
347 *jurisdiction of the Virginia Department of Transportation; construction, maintenance, and general upkeep*
348 *of streets and roads through creation of urban transportation service districts pursuant to § 15.2-2403.1;*
349 *and other services, events, or activities that will enhance the public use and enjoyment of and the public*
350 *safety, public convenience, and public well-being within a service district. Such services, events, or*
351 *activities shall not be undertaken for the sole or dominant benefit of any particular individual, business*
352 *or other private entity.*

353 *2. To provide, in addition to services authorized by subdivision 1, transportation and transportation*
354 *services within a service district, including, but not limited to: public transportation systems serving the*
355 *district; transportation management services; road construction; rehabilitation and replacement of existing*
356 *transportation facilities or systems; and sound walls or sound barriers. However, any transportation*
357 *service, system, facility, roadway, or roadway appurtenance established under this subdivision that will*
358 *be operated or maintained by the Virginia Department of Transportation shall be established with the*
359 *involvement of the governing body of the locality and meet the appropriate requirements of the*
360 *Department. The proceeds from any annual tax or portion thereof collected for road construction*
361 *pursuant to subdivision 6 may be accumulated and set aside for such reasonable period of time as is*
362 *necessary to finance such construction; however, the governing body or bodies shall make available an*
363 *annual disclosure statement, which shall contain the amount of any such proceeds accumulated and set*
364 *aside to finance such road construction.*

365 *3. To acquire in accordance with § 15.2-1800, any such facilities and equipment and rights, title,*
366 *interest or easements therefor in and to real estate in such district and maintain and operate the same as*
367 *may be necessary and desirable to provide the governmental services authorized by subdivisions 1 and*

- 368 2.
- 369 4. To contract with any person, municipality or state agency to provide the governmental services
- 370 authorized by subdivisions 1 and 2 and to construct, establish, maintain, and operate any such facilities
- 371 and equipment as may be necessary and desirable in connection therewith.
- 372 5. To require owners or tenants of any property in the district to connect with any such system or
- 373 systems, and to contract with the owners or tenants for such connections. The owners or tenants shall
- 374 have the right of appeal to the circuit court within 10 days from action by the governing body.
- 375 6. To levy and collect an annual tax upon any property in such service district subject to local
- 376 taxation to pay, either in whole or in part, the expenses and charges for providing the governmental
- 377 services authorized by subdivisions 1, 2 and 11 and for constructing, maintaining, and operating such
- 378 facilities and equipment as may be necessary and desirable in connection therewith; however, such
- 379 annual tax shall not be levied for or used to pay for schools, police, or general government services not
- 380 authorized by this section, and the proceeds from such annual tax shall be so segregated as to enable the
- 381 same to be expended in the district in which raised. In addition to the tax on property authorized herein,
- 382 in any city having a population of 350,000 or more and adjacent to the Atlantic Ocean, the city council
- 383 shall have the power to impose a tax on the base transient room rentals, excluding hotels, motels, and
- 384 travel campgrounds, within such service district at a rate or percentage not higher than five percent
- 385 which is in addition to any other transient room rental tax imposed by the city. The proceeds from such
- 386 additional transient room rental tax shall be deposited in a special fund to be used only for the purpose
- 387 of beach and shoreline management and restoration. Any locality imposing a tax pursuant to this
- 388 subdivision may base the tax on the full assessed value of the taxable property within the service
- 389 district, notwithstanding any special use value assessment of property within the service district for land
- 390 preservation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, provided the owner
- 391 of such property has given written consent. In addition to the taxes and assessments described herein, a
- 392 locality creating a service district may contribute from its general fund any amount of funds it deems
- 393 appropriate to pay for the governmental services authorized by subdivisions 1, 2, and 11 of this section.
- 394 7. To accept the allocation, contribution or funds of, or to reimburse from, any available source,
- 395 including, but not limited to, any person, authority, transportation district, locality, or state or federal
- 396 agency for either the whole or any part of the costs, expenses and charges incident to the acquisition,
- 397 construction, reconstruction, maintenance, alteration, improvement, expansion, and the operation or
- 398 maintenance of any facilities and services in the district.
- 399 8. To employ and fix the compensation of any technical, clerical, or other force and help which from
- 400 time to time, in their judgment may be necessary or desirable to provide the governmental services
- 401 authorized by subdivisions 1, 2 and 11 or for the construction, operation, or maintenance of any such
- 402 facilities and equipment as may be necessary or desirable in connection therewith.
- 403 9. To create and terminate a development board or other body to which shall be granted and
- 404 assigned such powers and responsibilities with respect to a special service district as are delegated to it
- 405 by ordinance adopted by the governing body of such locality or localities. Any such board or alternative
- 406 body created shall be responsible for control and management of funds appropriated for its use by the
- 407 governing body or bodies, and such funds may be used to employ or contract with, on such terms and
- 408 conditions as the board or other body shall determine, persons, municipal or other governmental entities
- 409 or such other entities as the development board or alternative body deems necessary to accomplish the
- 410 purposes for which the development board or alternative body has been created. If the district was
- 411 created by court order, the ordinance creating the development board or alternative body may provide
- 412 that the members appointed to the board or alternative body shall consist of a majority of the
- 413 landowners who petitioned for the creation of the district, or their designees or nominees.
- 414 10. To negotiate and contract with any person or municipality with regard to the connections of any
- 415 such system or systems with any other system or systems now in operation or hereafter established, and
- 416 with regard to any other matter necessary and proper for the construction or operation and maintenance
- 417 of any such system within the district.
- 418 11. To acquire by purchase, gift, devise, bequest, grant, or otherwise title to or any interests or rights
- 419 of not less than five years' duration in real property that will provide a means for the preservation or
- 420 provision of open-space land as provided for in the Open-Space Land Act (§ 10.1-1700 et seq.).
- 421 Notwithstanding the provisions of subdivision 3, the governing body shall not use the power of
- 422 condemnation to acquire any interest in land for the purposes of this subdivision.
- 423 12. To contract with any state agency or state or local authority for services within the power of the
- 424 agency or authority related to the financing, construction, or operation of the facilities and services to be
- 425 provided within the district; however, nothing in this subdivision shall authorize a locality to obligate its
- 426 general tax revenues, or to pledge its full faith and credit.
- 427 13. In the Town of Front Royal, to construct, maintain, and operate facilities, equipment, and
- 428 programs as may be necessary or desirable to control, eradicate, and prevent the infestation of rats and

429 removal of skunks and the conditions that harbor them.

430 § 15.2-2403.1. *Creation of urban transportation service districts.*

431 A. *The boundaries of any urban transportation service district created pursuant to this article shall*
432 *be agreed upon by both the local governing body of an urban county and by the Commonwealth*
433 *Transportation Board. The overall density of an urban transportation service district shall be one*
434 *residential unit per gross acre or greater. In the event of a disagreement between the Board and the*
435 *governing body of an urban county in regard to the boundaries of an urban transportation service*
436 *district, the parties may request that the Commission on Local Government serve as a mediator. For*
437 *purposes of this section, an "urban county" means any county with a population of greater than 90,000,*
438 *according to the United States Census of 2000, that did not maintain its roads as of January 1, 2007.*

439 B. *Any urban county that has established an urban transportation service district in accordance with*
440 *this section shall maintain the roads within such district. Any such county shall receive an amount equal*
441 *to the per lane mile maintenance payments made to cities and certain towns pursuant to § 33.1-41.1 for*
442 *the area within the district for purposes of road maintenance.*

443 § 15.2-4838.1. *Use of certain revenues by the Authority.*

444 A. *All moneys received by the Authority and the proceeds of bonds issued pursuant to § 15.2-4839*
445 *shall be used by the Authority solely for transportation purposes benefiting those counties and cities that*
446 *are embraced by the Authority.*

447 B. *Forty percent of the revenues shall be distributed on a pro rata basis, with each locality's share*
448 *being the total of such fees and taxes assessed or imposed by the Authority and received by the*
449 *Authority that are generated or attributable to the locality divided by the total of such fees and taxes*
450 *assessed or imposed by the Authority and received by the Authority. Of the revenues distributed*
451 *pursuant to this subsection (i) in the Cities of Falls Church and Alexandria and the County of Arlington*
452 *the first 50 percent shall be used solely for urban or secondary road construction and improvements*
453 *and for public transportation purposes, and (ii) in the remaining localities, the first 50 percent shall be*
454 *used solely for urban or secondary road construction and improvements. The remainder, as determined*
455 *solely by the applicable locality, shall be used either for additional urban or secondary road*
456 *construction; for other transportation capital improvements which have been approved by the most*
457 *recent long range transportation plan adopted by the Authority; or for public transportation purposes.*
458 *Solely for purposes of calculating the forty percent of revenues to be distributed pursuant to this*
459 *subsection, the revenue generated pursuant to § 58.1-3221.2 and Article 8 (§ 15.2-2317 et seq.) of*
460 *Chapter 22 of this title by the counties and cities embraced by the Authority shall be considered revenue*
461 *of the Authority. None of the revenue distributed by this subsection may be used to repay debt issued*
462 *before July 1, 2007. Each locality shall provide annually to the Northern Virginia Transportation*
463 *Authority sufficient documentation as required by the Authority showing that the funds distributed under*
464 *this subsection were used as required by this subsection.*

465 C. *The remaining 60 percent of the revenues from such sources shall be used by the Authority solely*
466 *for transportation projects and purposes that benefit the counties and cities embraced by the Authority.*

467 1. *The revenues under this subsection shall be used first to pay any debt service owing on any bonds*
468 *issued pursuant to § 15.2-4839, and then as follows:*

469 a. *The next \$50 million each fiscal year shall be distributed to the Washington Metropolitan Area*
470 *Transit Authority (WMATA) and shall be used for capital improvements benefiting the area embraced by*
471 *the Authority for WMATA's transit service (Metro). The Authority shall first make use of that portion of*
472 *such annual distribution as may be necessary under the requirements of federal law for the payment of*
473 *federal funds to WMATA, but only if the matching federal funds are exclusive of and in addition to the*
474 *amount of other federal funds appropriated for such purposes and are in an amount not less than the*
475 *amount of such funds appropriated in the federal fiscal year ending September 30, 2007;*

476 *For each year after 2018 any portion of the amount distributed pursuant to this subsection may be*
477 *used for mass transit improvements in Prince William County;*

478 b. *The next \$25 million each fiscal year shall be distributed to the Virginia Railway Express for*
479 *operating and capital improvements, including but not limited to track lease payments, construction of*
480 *parking, dedicated rail on the Fredericksburg line, rolling stock, expanded service in Prince William*
481 *County, and service as may be needed as a result of the Base Realignment and Closure Commission's*
482 *action regarding Fort Belvoir.*

483 2. *All transportation projects undertaken by the Northern Virginia Transportation Authority shall be*
484 *completed by private contractors accompanied by performance measurement standards, and all contracts*
485 *shall contain a provision granting the Authority the option to terminate the contract if contractors do*
486 *not meet such standards. Notwithstanding the foregoing, any locality may provide engineering services*
487 *or right-of-way acquisition for any project with its own forces. The Authority shall avail itself of the*
488 *strategies permitted under the Public-Private Transportation Act (§ 56-556 et seq.) whenever feasible*
489 *and advantageous. The Authority is independent of any state or local entity, including the Virginia*
490 *Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB), but the*

491 Authority, VDOT and CTB shall consult with one another to avoid duplication of efforts and, at the
 492 option of the Authority, may combine efforts to complete specific projects. Notwithstanding the
 493 foregoing, at the request of the Authority, VDOT may provide the Authority with engineering services or
 494 right-of-way acquisition for the project with its own forces. When determining what projects to construct
 495 under this subsection, the Authority shall base its decisions on the combination that (i) equitably
 496 distributes the funds throughout the localities, and (ii) constructs projects that move the most people or
 497 commercial traffic in the most cost-effective manner, and on such other factors as approved by the
 498 Authority.

499 3. All revenues deposited to the credit of the Authority shall be used for projects benefiting the
 500 localities embraced by the Authority, with each locality's total long-term benefits being approximately
 501 equal to the total of the fees and taxes received by the Authority that are generated by or attributable to
 502 the locality divided by the total of such fees and taxes received by the Authority.

503 D. For road construction and improvements pursuant to subsection B, the Department of
 504 Transportation may, on a reimbursement basis, provide the locality with planning, engineering,
 505 right-of-way, and construction services for projects funded in whole by the revenues provided to the
 506 locality by the Authority.

507 § 15.2-4839. Authority to issue bonds.

508 The Authority may issue bonds and other evidences of debt as may be authorized by *this section or*
 509 *other law*. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of this title shall apply,
 510 mutatis mutandis, to the issuance of such bonds or other debt. *The Authority may issue bonds or other*
 511 *debt in such amounts as it deems appropriate. The bonds may be supported by any funds available*
 512 *except that funds from tolls collected pursuant to subdivision 7 of § 15.2-4840 shall be used only as*
 513 *provided in that subdivision.*

514 § 15.2-4840. Other duties and responsibilities of Authority.

515 In addition to other powers herein granted, the Authority shall have the following duties and
 516 responsibilities:

517 1. General oversight of regional programs involving mass transit or congestion mitigation, including,
 518 but not necessarily limited to, carpooling, vanpooling, and ridesharing;

519 2. Long-range regional planning, both financially constrained and unconstrained;

520 3. Recommending to state, regional, and federal agencies regional transportation priorities, including
 521 public-private transportation projects, and funding allocations;

522 4. Developing, in coordination with affected counties and cities, regional priorities and policies to
 523 improve air quality;

524 5. Allocating to priority regional transportation projects any funds made available to the Authority
 525 and, at the discretion of the Authority, directly overseeing such projects;

526 6. Recommending to the Commonwealth Transportation Board priority regional transportation
 527 projects for receipt of federal and state funds;

528 7. ~~Recommending to the Commonwealth Transportation Board use and/or changes in use of~~
 529 ~~Imposing, collecting, and setting the amount of tolls for use of facilities in the area embraced by the~~
 530 ~~Authority, when the facility is either newly constructed or reconstructed solely with revenues of the~~
 531 ~~Authority or solely with revenues under the control of the Authority in such a way as to increase the~~
 532 ~~facility's traffic capacity, with the amount of any tolls variable by time of day, day of the week, vehicle~~
 533 ~~size or type, number of axles, or other factors as the Authority may deem proper, and with all such tolls~~
 534 ~~to be used for programs and projects that are reasonably related to or benefit the users of the~~
 535 ~~applicable facility, including, but not limited to, for the debt service and other costs of bonds whose~~
 536 ~~proceeds are used for such construction or reconstruction;~~

537 8. General oversight of regional transportation issues of a multijurisdictional nature, including but not
 538 limited to intelligent transportation systems, signalization, and preparation for and response to
 539 emergencies;

540 9. Serving as an advocate for the transportation needs of Northern Virginia before the state and
 541 federal governments;

542 10. Applying to and negotiating with the government of the United States, the Commonwealth of
 543 Virginia, or any agency or, instrumentality, or political subdivision thereof, for grants and any other
 544 funds available to carry out the purposes of this chapter and receiving, holding, accepting, and
 545 administering from any source gifts, bequests, grants, aid, or contributions of money, property, labor, or
 546 other things of value to be held, used and applied to carry out the purposes of this chapter subject,
 547 however, to any conditions upon which gifts, bequests, grants, aid, or contributions are made. Unless
 548 otherwise restricted by the terms of the gift, bequest, or grant, the Authority may sell, exchange, or
 549 otherwise dispose of such money, securities, or other property given or bequeathed to it in furtherance
 550 of its purposes; and

551 11. Acting as a "responsible public entity" for the purpose of the acquisition, construction,

552 improvement, maintenance and/or operation of a "qualifying transportation facility" under the
 553 Public-Private Transportation Act of 1995 (§ 56-556 et seq.); and

554 12. To decide and vote to impose certain fees and taxes authorized under law for imposition or
 555 assessment by the Authority, provided that any such fee or tax assessed or imposed is assessed or
 556 imposed in all counties and cities embraced by the Authority. The revenues from such certain fees and
 557 taxes shall be kept in a separate account and shall be used only for the purposes provided in this
 558 chapter.

559 CHAPTER 42.

560 JOINT COMMISSION ON TRANSPORTATION ACCOUNTABILITY.

561 § 30-278. Joint Commission on Transportation Accountability established; composition; terms;
 562 compensation and expenses; office space; quorum; voting on recommendations.

563 There is hereby established in the legislative branch of state government the Joint Commission on
 564 Transportation Accountability. The Commission shall consist of six members of the House of Delegates
 565 appointed by the Speaker of the House of Delegates, of whom at least three shall be members of the
 566 House Committee on Transportation; four members of the Senate appointed by the Senate Committee on
 567 Rules of whom at least two shall be members of the Senate Committee on Transportation; and the
 568 Auditor of Public Accounts, who shall serve as a nonvoting ex officio member. Members shall serve
 569 terms coincident with their terms of office as members of the House of Delegates and the Senate.
 570 Members may be reappointed for successive terms.

571 Members of the Commission shall receive such compensation as provided in § 30-19.12 and shall be
 572 reimbursed for all their reasonable and necessary expenses incurred in the performance of their duties
 573 as members of the Commission. Funding for the costs of compensation and expenses of the members
 574 shall be provided from existing appropriations to the Commission. Adequate office space shall be
 575 provided by the Commonwealth.

576 The Commission shall annually elect a chairman and a vice-chairman from among its membership.
 577 Meetings of the Commission shall be held upon the call of the chairman or whenever the majority of the
 578 members so request. A majority of the members appointed to the Commission shall constitute a quorum.

579 § 30-279. Director, executive staff, and personnel.

580 The Commission shall appoint, subject to confirmation by a majority of the members of the General
 581 Assembly, a Director and fix his duties and compensation. The Director may, with prior approval of the
 582 Commission, employ and fix the duties and compensation of an adequate staff as may be requisite to
 583 make the studies and conduct the research and budget analyses required by this chapter. The
 584 Commission may request that the staff of the Joint Legislative Audit and Review Commission serve such
 585 purpose. Otherwise, the Director and the executive staff shall be appointed for a term of six years and
 586 shall consist of professional persons having experience and training in legislative budgetary procedures,
 587 management analyses, and cost accounting. The Director and any executive staff member may be
 588 removed from office for cause by a majority vote of the Commission. Such other professional personnel,
 589 consultants, advisers, and secretarial and clerical employees may be engaged upon such terms and
 590 conditions as set forth by the Commission.

591 § 30-280. Powers and duties of Commission.

592 The Commission shall have the following powers and duties:

593 1. To make performance reviews of operations of state agencies with transportation responsibilities
 594 to ascertain that sums appropriated have been or are being expended for the purposes for which they
 595 were made and to evaluate the effectiveness of programs in accomplishing legislative intent;

596 2. To study, on a continuing basis, the operations, practices, and duties of state agencies with
 597 transportation responsibilities as they relate to efficiency in the use of space, personnel, equipment, and
 598 facilities;

599 3. To retain such consultants and advisers as the Commission deems necessary to evaluate financial
 600 and project management of state agencies with transportation responsibilities; and

601 4. To make such special studies of and reports on the operations and functions of state agencies with
 602 transportation responsibilities as it deems appropriate and as may be requested by the General
 603 Assembly.

604 § 30-281. State agencies to furnish information and assistance.

605 All agencies of the Commonwealth, their staff, and employees shall provide the Commission with
 606 necessary information for the performance of its duties and afford the Commission's staff ample
 607 opportunity to observe agency operations.

608 § 30-282. Payment of expenses of Commission.

609 The salaries, per diems, and other expenses necessary to the function of the Commission shall be
 610 payable from funds appropriated to the Commission.

611 § 33.1-3. Secretary to be Chairman; Commonwealth Transportation Commissioner.

612 The Chairman, whose official title of the Commonwealth Transportation Board shall be the Secretary
 613 of Transportation, and who.

614 *The Commonwealth Transportation Commissioner, hereinafter in this title sometimes called "the*
 615 *Commissioner," shall be the chief executive officer of the Department of Transportation. The*
 616 *Commissioner may, at the time of his appointment, be a nonresident of Virginia, shall be an experienced*
 617 *administrator, able to direct and guide the Department in the establishment and achievement of the*
 618 *Commonwealth's long-range highway and other transportation objectives and shall be appointed at large.*

619 ~~The Commonwealth Transportation Commissioner, hereinafter in this title sometimes called "the~~
 620 ~~Commissioner," shall devote his entire time and attention to his duties as chief executive officer of the~~
 621 ~~Department and shall receive such compensation as shall be fixed by the Governor Commonwealth~~
 622 ~~Transportation Board, subject to the approval of the Board, unless such salary be fixed by the General~~
 623 ~~Assembly in the appropriation act Governor. He shall also be reimbursed for his actual travel expenses~~
 624 ~~while engaged in the discharge of his duties.~~

625 In the event of a vacancy due to the death, temporary disability, retirement, resignation or removal of
 626 the Commissioner, the Governor may appoint and thereafter remove at his pleasure an "Acting
 627 Commonwealth Transportation Commissioner" until such time as the vacancy may be filled as provided
 628 in § 33.1-1. Such "Acting Commonwealth Transportation Commissioner" shall have all powers and
 629 perform all duties of the Commissioner as provided by law, and shall receive such compensation as may
 630 be fixed by the Governor. In the event of the temporary disability, for any reason, of the Commissioner,
 631 full effect shall be given to the provisions of § 2.2-605.

632 § 33.1-13. General powers of Commissioner.

633 Except such powers as are conferred by law upon the Commonwealth Transportation Board, the
 634 Commonwealth Transportation Commissioner shall have the power to do all acts necessary or
 635 convenient for constructing, improving and maintaining the roads embraced in the systems of state
 636 highways and to further the interests of the Commonwealth in the areas of public transportation,
 637 railways, seaports, and airports. And as executive head of the Transportation Department, the
 638 Commissioner is specifically charged with the duty of executing all orders and decisions of the Board
 639 and he may, subject to the provisions of this chapter, require that all appointees and employees perform
 640 their duties under this chapter.

641 *In addition, the Commissioner, in order to maximize efficiency, shall take such steps as may be*
 642 *appropriate to outsource or privatize any of the Department's functions that might reasonably be*
 643 *provided by the private sector.*

644 § 33.1-19.1. Environmental permits for highway projects; timely review.

645 Notwithstanding any other provision of state law or regulation, any state agency, board, or
 646 commission that issues a permit required for a highway construction project pursuant to Title 10.1, 28.2,
 647 29.1, or 62.1 of the Code of Virginia shall, within 15 days of receipt of an individual ~~or general~~ permit
 648 application, review the application for completeness and either accept the application or request
 649 additional specific information from the Department of Transportation. Unless a shorter period is
 650 provided by law, regulation, or agreement, the state agency, board, or commission shall within 120 days
 651 of receipt of a complete application issue the permit, issue the permit with conditions, deny the permit,
 652 or decide whether a public meeting or hearing is required by law. If a public meeting or hearing is held,
 653 it shall be held within 45 days of the decision to conduct such a proceeding and a final decision as to
 654 the permit shall be made within 90 days of completion of the public meeting or hearing. *For coverage*
 655 *under general permits issued pursuant to Title 10.1, 28.2, 29.1, or 62.1, the state agency, board, or*
 656 *commission that issues such permits shall, within 10 business days of receipt of an application from the*
 657 *Department of Transportation for a road or highway construction project, review the application for*
 658 *completeness and either accept the application or request additional specific information from the*
 659 *Department of Transportation. Coverage under the general permit shall be approved, approved with*
 660 *conditions, or denied within 30 business days of receipt of a complete application.*

661 § 33.1-23.03. Board to develop and update Statewide Transportation Plan.

662 The Commonwealth Transportation Board shall conduct a comprehensive review of statewide
 663 transportation needs in a Statewide Transportation Plan setting forth an inventory of all construction
 664 needs for all systems, and based upon this inventory, establishing goals, objectives, and priorities
 665 covering a twenty-year planning horizon, in accordance with federal transportation planning
 666 requirements. This plan shall embrace all modes of transportation and include technological initiatives.
 667 This Statewide Transportation Plan shall be updated as needed, but no less than once every five years.
 668 The plan ~~will provide consideration of projects and policies affecting~~ *shall promote economic*
 669 *development and all transportation modes and promote economic development, intermodal connectivity,*
 670 *environmental quality, accessibility for people and freight, and transportation safety. The plan shall*
 671 *include quantifiable measures and achievable goals relating to, but not limited to, congestion reduction*
 672 *and safety, transit and high-occupancy vehicle facility use, job-to-housing ratios, job and housing access*
 673 *to transit and pedestrian facilities, air quality, and per capita vehicle miles traveled. The Board shall*
 674 *consider such goals in evaluating and selecting transportation improvement projects. The plan shall*

675 *incorporate the approved long-range plans' measures and goals developed by the Northern Virginia*
 676 *Transportation Authority and the Hampton Roads Transportation Authority. Each such plan shall be*
 677 *summarized in a public document and made available to the general public upon presentation to the*
 678 *Governor and General Assembly.*

679 It is the intent of the General Assembly that this plan assess transportation needs and assign priorities
 680 to projects on a statewide basis, avoiding the production of a plan which is an aggregation of local,
 681 district, regional, or modal plans.

682 § 33.1-23.03:8. Priority Transportation Fund established.

683 A. There is hereby created in the state treasury a special nonreverting fund to be known as the
 684 Priority Transportation Fund, hereafter referred to as "the Fund." The Fund shall be established on the
 685 books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be
 686 credited to it. All funds as may be designated in the appropriation act for deposit to the Fund shall be
 687 paid into the state treasury and credited to the Fund. Such funds shall include:

688 1. A portion of the moneys actually collected, including penalty and interest, attributable to any
 689 increase in revenues from the taxes imposed under Chapter 22 (§ 58.1-2200 et seq.) of Title 58.1, with
 690 such increase being calculated as the difference between such tax revenues collected in the manner
 691 prescribed under Chapter 22 less such tax revenues that would have been collected using the prescribed
 692 manner in effect *immediately* before the effective date of Chapter 22, *computed without regard to*
 693 *increases in the rates of taxes under Chapter 22 pursuant to enactments of the 2007 Session of the*
 694 *General Assembly.* The portion to be deposited to the Fund shall be the moneys actually collected from
 695 such increase in revenues and allocated for highway and mass transit improvement projects as set forth
 696 in § 33.1-23.03:2, but not including any amounts that are allocated to the Commonwealth Port Fund and
 697 the Commonwealth Airport Fund under such section. There shall also be deposited into the Fund all
 698 additional federal revenues attributable to Chapter 22 (§ 58.1-2200 et seq.) of Title 58.1; ~~and~~

699 2. Beginning with the fiscal year ending June 30, 2000, and for fiscal years thereafter, all revenues
 700 that exceed the official forecast, pursuant to § 2.2-1503, for (i) the Highway Maintenance and Operating
 701 Fund and (ii) the allocation to highway and mass transit improvement projects as set forth in
 702 § 33.1-23.03:2, but not including any amounts that are allocated to the Commonwealth Port Fund and
 703 the Commonwealth Airport Fund under such section; ~~and~~

704 3. *All revenues deposited into the Fund pursuant to § 58.1-2531; and*

705 34. Any other such funds as may be transferred, allocated, or appropriated.

706 *All moneys in the Fund shall first be used for debt service payments on bonds or obligations for*
 707 *which the Fund is expressly required for making debt service payments, to the extent needed.* The Fund
 708 shall be considered a part of the Transportation Trust Fund. Any moneys remaining in the Fund,
 709 including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall
 710 remain in the Fund. Moneys in the Fund shall be used solely for the purposes enumerated in subsection
 711 B of this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer
 712 on warrants issued by the Comptroller.

713 B. The Commonwealth Transportation Board shall use the Fund to facilitate the financing of priority
 714 transportation projects throughout the Commonwealth. The Board may use the Fund either (i) by
 715 expending amounts therein on such projects directly, (ii) by payment to any authority, locality,
 716 commission or other entity for the purpose of paying the costs thereof, or (iii) by using such amounts to
 717 support, secure, or leverage financing for such projects. No expenditures from or other use of amounts
 718 in the Fund shall be considered in allocating highway maintenance and construction funds under
 719 § 33.1-23.1 or apportioning Transportation Trust Fund funds under § 58.1-638, but shall be in addition
 720 thereto. The Board shall use the Fund to facilitate the financing of priority transportation projects as
 721 designated by the General Assembly; provided, however, that, at the discretion of the Commonwealth
 722 Transportation Board, funds allocated to projects within a transportation district may be allocated among
 723 projects within the same transportation district as needed to meet construction cash-flow needs.

724 C. *Notwithstanding any other provision of this section, beginning July 1, 2007, no bonds, obligations,*
 725 *or other evidences of debt (the bonds) that expressly require as a source for debt service payments or*
 726 *for the repayment of such bonds the revenues of the Fund, shall be issued or entered into unless at the*
 727 *time of the issuance the revenues then in the Fund or reasonably anticipated to be deposited into the*
 728 *Fund pursuant to the law then in effect are by themselves sufficient to make 100% of the contractually*
 729 *required debt service payments on all such bonds, including any interest related thereto and the*
 730 *retirement of such bonds.*

731 § 33.1-23.4:01. Allocation of Proceeds of Commonwealth of Virginia Transportation Capital Projects
 732 Revenue Bonds.

733 The Commonwealth Transportation Board shall allocate, use, and distribute the proceeds of any
 734 bonds it is authorized to issue on or after July 1, 2007, pursuant to subdivision 4f of § 33.1-269, as
 735 follows:

736 1. A minimum of 20 percent of the bond proceeds shall be used for transit capital consistent with

737 subdivision A 4 g of § 58.1-638.

738 2. A minimum of 4.3 percent of the bond proceeds shall be used for rail capital consistent with the
739 provisions of §§ 33.1-221.1:1.1 and 33.1-221.1:1.2.

740 3. The remaining amount of bond proceeds shall be used for paying the costs incurred or to be
741 incurred for construction of transportation projects with such bond proceeds used or allocated as
742 follows: (a) first, to match federal highway funds projected to be made available and allocated to
743 highway and public transportation capital projects by the Commonwealth Transportation Board, for
744 purposes of allowing additional state construction funds to be allocated to the primary, urban, and
745 secondary systems of highways pursuant to subdivisions B 1, B 2, and B 3 of § 33.1-23.1; (b) next, to
746 provide any required funding to fulfill the Commonwealth's allocation of equivalent revenue sharing
747 matching funds pursuant to § 33.1-23.05; and (c) third, to pay or fund the costs of statewide or regional
748 projects throughout the Commonwealth. Costs incurred or to be incurred for construction or funding of
749 these transportation projects shall include, but are not limited to, environmental and engineering studies,
750 rights-of-way acquisition, improvements to all modes of transportation, acquisition, construction and
751 related improvements, and any financing costs or other financing expenses relating to such bonds. Such
752 costs may include the payment of interest on such bonds for a period during construction and not
753 exceeding one year after completion of construction of the relevant project.

754 4. The total amount of bonds authorized shall be used for purposes of applying the percentages in
755 subdivisions 1 through 3.

756 § 33.1-223.2:12. Tolls may vary to encourage travel during off-peak hours.

757 A. In order to provide an incentive for motorists to travel at off-peak hours, and in accordance with
758 federal requirements, wherever a toll is imposed and collected by the Department or such other entity as
759 may be responsible for imposing or collecting such toll, the amount of such toll may vary according to
760 the time of day, day of the week, traffic volume, vehicle speed, vehicle type, ~~or any or all of these~~
761 similar variables, or combinations thereof. The amount of such toll and the time of day when such toll
762 shall change shall be as fixed and revised by the Commonwealth Transportation Board or such other
763 entity as may be responsible for fixing or revising the amount of such toll; provided, however, that any
764 such variation shall be reasonably calculated to minimize the reduction in toll revenue generated by such
765 toll.

766 B. 1. Beginning July 1, 2008, every agency of the Commonwealth or any political subdivision or
767 instrumentality thereof having control of or day-to-day responsibility for the operation of any toll facility
768 in the Commonwealth shall take all necessary actions to ensure that every newly constructed toll facility
769 under its control is capable of fully automated electronic operation, employing technologies and
770 procedures that permit the collection of tolls from users of the facility, to the extent possible, without
771 impeding the traffic flow of the facility. An entity operating a toll facility that substantially upgrades its
772 equipment or substantially renovates its facility after July 1, 2008, shall comply with the provisions of
773 this subsection. The provisions of this section shall also apply to any nongovernmental or
774 quasigovernmental entity operating a toll facility under a comprehensive agreement entered into,
775 pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.), on or after January 1,
776 2008. Nothing in this subsection shall be construed to prohibit a toll facility from retaining means of
777 nonautomated toll collection in some lanes of the facility.

778 2. For toll facilities within the territory embraced by the Northern Virginia Transportation Authority,
779 the provisions of subdivision 1 apply to all toll facilities, regardless of whether or not they are newly
780 constructed or substantially upgraded.

781 § 33.1-268. Definitions.

782 As used in this article, the following words and terms shall have the following meanings:

783 (1) The word "Board" means the Commonwealth Transportation Board, or if the Commonwealth
784 Transportation Board is abolished, any board, commission or officer succeeding to the principal
785 functions thereof or upon whom the powers given by this article to the Board shall be given by law.

786 (2) The word "project" or "projects" means any one or more of the following:

787 (a) York River Bridges, extending from a point within the Town of Yorktown in York County, or
788 within York County across the York River to Gloucester Point or some point in Gloucester County.

789 (b) Rappahannock River Bridge, extending from Greys Point, or its vicinity, in Middlesex County,
790 across the Rappahannock River to a point in the vicinity of White Stone, in Lancaster County, or at
791 some other feasible point in the general vicinity of the two respective points.

792 (c), (d) [Reserved.]

793 (e) James River Bridge, from a point at or near Jamestown, in James City County, across the James
794 River to a point in Surry County.

795 (f), (g) [Reserved.]

796 (h) James River, Chuckatuck and Nansemond River Bridges, together with necessary connecting
797 roads, in the Cities of Newport News and Suffolk and the County of Isle of Wight.

798 (i) [Reserved.]

799 (j) Hampton Roads Bridge, Tunnel, or Bridge and Tunnel System, extending from a point or points
800 in the Cities of Newport News and Hampton on the northwest shore of Hampton Roads across Hampton
801 Roads to a point or points in the City of Norfolk or Suffolk on the southeast shore of Hampton Roads.

802 (k) The Norfolk-Virginia Beach Highway, extending from a point in the vicinity of the intersection
803 of Interstate Route 64 and Primary Route 58 at Norfolk to some feasible point between London Bridge
804 and Primary Route 60.

805 (l) The Henrico-James River Bridge, extending from a point on the eastern shore of the James River
806 in Henrico County to a point on the western shore, between Falling Creek and Bells Road interchanges
807 of the Richmond-Petersburg Turnpike; however, the project shall be deemed to include all property,
808 rights, easements and franchises relating to any of the foregoing projects and deemed necessary or
809 convenient for the operation thereof and to include approaches thereto.

810 (m) The limited access highway between the Patrick Henry Airport area and the Newport News
811 downtown area which generally runs parallel to tracks of the Chesapeake and Ohio Railroad.

812 (n) Transportation improvements in the Dulles Corridor, with an eastern terminus of the East Falls
813 Church Metrorail station at Interstate Route 66 and a western terminus of Virginia Route 772 in
814 Loudoun County, including without limitation the Dulles Toll Road, the Dulles Access Road, outer
815 roadways adjacent or parallel thereto, mass transit, including rail, bus rapid transit, and capacity
816 enhancing treatments such as High-Occupancy Vehicle lanes, High-Occupancy Toll (HOT) lanes,
817 interchange improvements, commuter parking lots, and other transportation management strategies.

818 (o), (p) [Repealed.]

819 (q) Subject to the limitations and approvals of § 33.1-279.1, any other highway for a primary
820 highway transportation improvement district or transportation service district which the Board has agreed
821 to finance under a contract with any such district or any other alternative mechanism for generation of
822 local revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board,
823 the financing for which is to be secured by Transportation Trust Fund revenues under any appropriation
824 made by the General Assembly for that purpose and payable first from revenues received under such
825 contract or other local funding source, second, to the extent required, from funds appropriated and
826 allocated, pursuant to the highway allocation formula as provided by law, to the highway construction
827 district in which the project is located or to the county or counties in which the project is located and
828 third, to the extent required from other legally available revenues of the Trust Fund and from any other
829 available source of funds.

830 (r) U.S. 58 Corridor Development Program projects as defined in §§ 33.1-221.1:2 and 58.1-815.

831 (s) The Northern Virginia Transportation District Program as defined in § 33.1-221.1:3.

832 (t) Any program for highways or mass transit or transportation facilities, endorsed by the local
833 jurisdiction or jurisdictions affected, which agree that certain distributions of state recordation taxes will
834 be dedicated and used for the payment of any bonds or other obligations, including interest thereon, the
835 proceeds of which were used to pay the cost of the program. Any such program shall be referred to as a
836 "Transportation Improvement Program."

837 (u) Any project designated from time to time by the General Assembly financed in whole or part
838 through the issuance of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.

839 (v) *Any project authorized by the General Assembly financed in whole or in part by funds from the*
840 *Priority Transportation Fund established pursuant to § 33.1-23.03:8 or from the proceeds of bonds*
841 *whose debt service is paid in whole or in part by funds from such Fund.*

842 (3) The word "undertaking" means all of the projects authorized to be acquired or constructed under
843 this article.

844 (4) The word "improvements" means such repairs, replacements, additions and betterments of and to
845 a project acquired by purchase or by condemnation as are deemed necessary to place it in a safe and
846 efficient condition for the use of the public, if such repairs, replacements, additions and betterments are
847 ordered prior to the sale of any bonds for the acquisition of such project.

848 (5) The term "cost of project" as applied to a project to be acquired by purchase or by
849 condemnation, includes the purchase price or the amount of the award, cost of improvements, financing
850 charges, interest during any period of disuse before completion of improvements, cost of traffic
851 estimates and of engineering and legal expenses, plans, specifications and surveys, estimates of cost and
852 of revenues, other expenses necessary or incident to determining the feasibility or practicability of the
853 enterprises, administrative expenses and such other expenses as may be necessary or incident to the
854 financing herein authorized and the acquisition of the project and the placing of the project in operation.

855 (6) The term "cost of project" as applied to a project to be constructed, embraces the cost of
856 construction, the cost of all lands, properties, rights, easements and franchises acquired which are
857 deemed necessary for such construction, the cost of acquiring by purchase or condemnation any ferry
858 which is deemed by the Board to be competitive with any bridge to be constructed, the cost of all
859 machinery and equipment, financing charges, interest prior to and during construction and for one year

860 after completion of construction, cost of traffic estimates and of engineering data, engineering and legal
 861 expenses, cost of plans, specifications and surveys, estimates of cost and of revenues, other expenses
 862 necessary or incident to determining the feasibility or practicability of the enterprise, administrative
 863 expense and such other expenses as may be necessary or incident to the financing herein authorized, the
 864 construction of the project, the placing of the project in operation and the condemnation of property
 865 necessary for such construction and operation.

866 (7) The word "owner" includes all individuals, incorporated companies, copartnerships, societies or
 867 associations having any title or interest in any property rights, easements or franchises authorized to be
 868 acquired by this article.

869 (8) [Repealed.]

870 (9) The words "revenue" and "revenues" include tolls and any other moneys received or pledged by
 871 the Board pursuant to this article, including, without limitation, legally available Transportation Trust
 872 Fund revenues and any federal highway reimbursements and any other federal highway assistance
 873 received from time to time by the Commonwealth.

874 (10) The terms "toll project" and "toll projects" mean projects financed in whole or in part through
 875 the issuance of revenue bonds which are secured by toll revenues generated by such project or projects.

876 § 33.1-269. General powers of Board.

877 The Commonwealth Transportation Board may, subject to the provisions of this article:

878 1. Acquire by purchase or by condemnation, construct, improve, operate and maintain any one or
 879 more of the projects mentioned and included in the undertaking defined in this article;

880 2. Issue revenue bonds of the Commonwealth, to be known and designated as "Commonwealth of
 881 Virginia Toll Revenue Bonds," payable from earnings and from any other available sources of funds, to
 882 pay the cost of such projects;

883 3. Subject to the limitations and approvals of § 33.1-279.1, issue revenue bonds of the
 884 Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Contract
 885 Revenue Bonds," secured by Transportation Trust Fund revenues under a payment agreement between
 886 the Board and the Treasury Board, subject to their appropriation by the General Assembly and payable
 887 first from revenues received pursuant to contracts with a primary highway transportation improvement
 888 district or transportation service district or other local revenue sources for which specific funding of any
 889 such bonds may be authorized by law; second, to the extent required, from funds appropriated and
 890 allocated, pursuant to the highway allocation formula as provided by law, to the highway construction
 891 district in which the project or projects to be financed are located or to the county or counties in which
 892 the project or projects to be financed are located; and third, to the extent required, from other legally
 893 available revenues of the Trust Fund and from any other available source of funds;

894 4. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
 895 Virginia Transportation Revenue Bonds," secured (i) by revenues received from the U.S. Route 58
 896 Corridor Development Fund, subject to their appropriation by the General Assembly, (ii) to the extent
 897 required, from revenues legally available from the Transportation Trust Fund and (iii) to the extent
 898 required, from any other legally available funds which have been appropriated by the General Assembly;

899 4a. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
 900 Virginia Transportation Revenue Bonds," secured, subject to their appropriation by the General
 901 Assembly, first from (i) revenues received from the Northern Virginia Transportation District Fund, (ii)
 902 to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as
 903 provided by law, to the highway construction district in which the project or projects to be financed are
 904 located or to the city or county in which the project or projects to be financed are located, (iii) to the
 905 extent required, legally available revenues of the Transportation Trust Fund, and (iv) such other funds
 906 which may be appropriated by the General Assembly;

907 4b. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
 908 Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General
 909 Assembly, first from (i) any revenues received from any Set-aside Fund established by the General
 910 Assembly pursuant to § 58.1-816.1, (ii) to the extent required, revenues received pursuant to any
 911 contract with a local jurisdiction or any alternative mechanism for generation of local revenues for
 912 specific funding of a project satisfactory to the Commonwealth Transportation Board, (iii) to the extent
 913 required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by
 914 law, to the highway construction district in which the project or projects to be financed are located or to
 915 the city or county in which the project or projects to be financed are located, (iv) to the extent required,
 916 legally available revenues of the Transportation Trust Fund, and (v) such other funds which may be
 917 appropriated by the General Assembly. No bonds for any project or projects shall be issued under the
 918 authority of this subsection unless such project or projects are specifically included in a bill or resolution
 919 passed by the General Assembly;

920 4c. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of

HOUSE

SUBSTITUTE

HB3202H4

921 Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General
 922 Assembly, first from (i) any revenues received from the Commonwealth Transit Capital Fund established
 923 by the General Assembly pursuant to subdivision A 4 g of § 58.1-638, (ii) to the extent required, legally
 924 available revenues of the Transportation Trust Fund, and (iii) such other funds which may be
 925 appropriated by the General Assembly. No bonds for any project or projects shall be issued under the
 926 authority of this subsection unless such project or projects are specifically included in a bill or resolution
 927 passed by the General Assembly;

928 4d. Issue revenue bonds of the Commonwealth from time to time to be known and designated as
 929 "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes" secured, subject to
 930 their appropriation by the General Assembly, (i) first from any federal highway reimbursements and any
 931 other federal highway assistance received from time to time by the Commonwealth, (ii) then, at the
 932 discretion of the Board, to the extent required, from legally available revenues of the Transportation
 933 Trust Fund, and (iii) then from such other funds, if any, which are designated by the General Assembly
 934 for such purpose;

935 4e. Issue revenue bonds of the Commonwealth from time to time to be known and designated as
 936 "Commonwealth of Virginia Credit Assistance Revenue Bonds," secured, subject to their appropriation
 937 by the General Assembly, solely from revenues with respect to or generated by the project or projects
 938 being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in
 939 accordance with the applicable federal credit assistance authorized with respect to such project or
 940 projects by the United States Department of Transportation;

941 4f. *Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of*
 942 *Virginia Transportation Capital Projects Revenue Bonds," secured, subject to their appropriation by the*
 943 *General Assembly, (i) from the revenues deposited into the Priority Transportation Fund established*
 944 *pursuant to §33.1-23.03:8; (ii) to the extent required, from revenues legally available from the*
 945 *Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds;*

946 5. Fix and collect tolls and other charges for the use of such projects or to refinance the cost of such
 947 projects;

948 6. Construct grade separations at intersections of any projects with public highways, streets or other
 949 public ways or places and change and adjust the lines and grades thereof so as to accommodate the
 950 same to the design of such grade separations, the cost of such grade separations and any damage
 951 incurred in changing and adjusting the lines and grades of such highways, streets, ways and places to be
 952 ascertained and paid by the Board as a part of the cost of the project;

953 7. Vacate or change the location of any portion of any public highway, street or other public way or
 954 place and reconstruct the same at such new location as the Board deems most favorable for the project
 955 and of substantially the same type and in as good condition as the original highway, streets, way or
 956 place, the cost of such reconstruction and any damage incurred in vacating or changing the location
 957 thereof to be ascertained and paid by the Board as a part of the cost of the project. Any public highway,
 958 street or other public way or place vacated or relocated by the Board shall be vacated or relocated in the
 959 manner provided by law for the vacation or relocation of public roads and any damages awarded on
 960 account thereof may be paid by the Board as a part of the cost of the project;

961 8. Make reasonable regulations for the installation, construction, maintenance, repair, renewal and
 962 relocation of pipes, mains, sewers, conduits, cables, wires, towers, poles and other equipment and
 963 appliances herein called "public utility facilities," of the Commonwealth and of any municipality, county,
 964 or other political subdivision, public utility or public service corporation owning or operating the same
 965 in, on, along, over or under the project. Whenever the Board determines that it is necessary that any
 966 such public utility facilities should be relocated or removed, the Commonwealth or such municipality,
 967 county, political subdivision, public utility or public service corporation shall relocate or remove the
 968 same in accordance with the order of the Board. The cost and expense of such relocation or removal,
 969 including the cost of installing such public utility facilities in a new location or locations, and the cost
 970 of any lands or any rights or interests in lands, and any other rights acquired to accomplish such
 971 relocation or removal shall be ascertained by the Board.

972 On any toll project, the Board shall pay the cost and expense of relocation or removal as a part of
 973 the cost of the project for those public utility facilities owned or operated by the Commonwealth or such
 974 municipality, county, political subdivision, public utility or public service corporation. On all other
 975 projects, under this article, the Board shall pay the cost and expense of relocation or removal as a part
 976 of the cost of the project for those public utility facilities owned or operated by the Commonwealth or
 977 such municipality, county, or political subdivision. The Commonwealth or such municipality, county,
 978 political subdivision, public utility or public service corporation may maintain and operate such public
 979 utility facilities with the necessary appurtenances, in the new location or locations, for as long a period
 980 and upon the same terms and conditions as it had the right to maintain and operate such public utility
 981 facilities in their former location or locations;

982 9. Acquire by the exercise of the power of eminent domain any lands, property, rights, rights-of-way,

983 franchises, easements and other property, including public lands, parks, playgrounds, reservations,
984 highways or parkways, or parts thereof or rights therein, of any municipality, county or other political
985 subdivision, deemed necessary or convenient for the construction or the efficient operation of the project
986 or necessary in the restoration, replacement or relocation of public or private property damaged or
987 destroyed.

988 The cost of such projects shall be paid solely from the proceeds of Commonwealth of Virginia Toll
989 or Transportation Contract Revenue Bonds or a combination thereof or from such proceeds and from
990 any grant or contribution which may be made thereto pursuant to the provisions of this article;

991 10. Notwithstanding any provision of this article to the contrary, the Board shall be authorized to
992 exercise the powers conferred herein, in addition to its general powers to acquire rights-of-way and to
993 construct, operate and maintain state highways, with respect to any project which the General Assembly
994 has authorized or may hereafter authorize to be financed in whole or in part through the issuance of
995 bonds of the Commonwealth pursuant to the provisions of Section 9 (c) of Article X of the Constitution
996 of Virginia; and

997 11. Enter into any agreements or take such other actions as the Board shall determine in connection
998 with applying for or obtaining any federal credit assistance, including without limitation loan guarantees
999 and lines of credit, pursuant to authorization from the United States Department of Transportation with
1000 respect to any project included in the Commonwealth's long-range transportation plan and the approved
1001 State Transportation Improvement Program.

1002 § 33.1-277. Credit of Commonwealth not pledged.

1003 A. Commonwealth of Virginia Toll Revenue Bonds issued under the provisions of this article shall
1004 not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the faith and credit
1005 of the Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor
1006 from tolls and revenues, from bond proceeds or earnings thereon and from any other available sources
1007 of funds. All such bonds shall state on their face that the Commonwealth of Virginia is not obligated to
1008 pay the same or the interest thereon except from the special fund provided therefor from tolls and
1009 revenues under this article, from bond proceeds or earnings thereon and from any other available sources
1010 of funds and that the faith and credit of the Commonwealth are not pledged to the payment of the
1011 principal or interest of such bonds. The issuance of such revenue bonds under the provisions of this
1012 article shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge
1013 any form of taxation whatever therefor or to make any appropriation for their payment, other than
1014 appropriate available funds derived as revenues from tolls and charges under this article or derived from
1015 bond proceeds or earnings thereon and from any other available sources of funds.

1016 B. Commonwealth of Virginia Transportation Contract Revenue Bonds issued under the provisions of
1017 this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the
1018 faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein
1019 provided therefor (i) from revenues received pursuant to contracts with a primary highway transportation
1020 district or transportation service district or any other alternative mechanism for generation of local
1021 revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board, (ii) to
1022 the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as
1023 provided by law, to the highway construction district in which the project or projects to be financed are
1024 located or to the county or counties in which such project or projects are located, (iii) from bond
1025 proceeds or earnings thereon, (iv) to the extent required, from other legally available revenues of the
1026 Trust Fund, and (v) from any other available source of funds. All such bonds shall state on their face
1027 that the Commonwealth of Virginia is not obligated to pay the same or the interest thereon except from
1028 revenues in clauses (i) and (iii) hereof and that the faith and credit of the Commonwealth are not
1029 pledged to the payment of the principal and interest of such bonds. The issuance of such revenue bonds
1030 under the provisions of this article shall not directly or indirectly or contingently obligate the
1031 Commonwealth to levy or to pledge any form of taxation whatever or to make any appropriation for
1032 their payment, other than to appropriate available funds derived as revenues under this article from the
1033 sources set forth in clauses (i) and (iii) hereof. Nothing in this article shall be construed to obligate the
1034 General Assembly to make any appropriation of the funds set forth in clause (ii) or (iv) hereof for
1035 payment of such bonds.

1036 C. Commonwealth of Virginia Transportation Revenue Bonds issued under the provisions of this
1037 article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full
1038 faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein
1039 provided therefor (i) from revenues received from the U.S. Route 58 Corridor Development Fund,
1040 subject to their appropriation by the General Assembly, (ii) to the extent required, from revenues legally
1041 available from the Transportation Trust Fund and (iii) to the extent required, from any other legally
1042 available funds which shall have been appropriated by the General Assembly.

1043 D. Commonwealth of Virginia Transportation Revenue Bonds issued under this article for Category 1

HOUSE

SUBSTITUTE

HB3202H4

1044 projects as provided in subdivision (2) (s) of § 33.1-268 shall not be deemed to constitute a debt of the
 1045 Commonwealth of Virginia or a pledge of the faith and credit of the Commonwealth. Such bonds shall
 1046 be payable solely, subject to their appropriation by the General Assembly, first from (i) revenues
 1047 received from the Northern Virginia Transportation District Fund, (ii) to the extent required, funds
 1048 appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the
 1049 highway construction district in which the project or projects to be financed are located or to the city or
 1050 county in which the project or projects to be financed are located, (iii) to the extent required, legally
 1051 available revenues of the Transportation Trust Fund, and (iv) such other funds which may be
 1052 appropriated by the General Assembly.

1053 E. Commonwealth of Virginia Transportation Program Revenue Bonds issued under this article for
 1054 projects defined in subdivision (2) (t) of § 33.1-268 shall not be deemed to constitute a debt of the
 1055 Commonwealth or a pledge of the faith and credit of the Commonwealth. Such bonds shall be payable
 1056 solely, subject to their appropriation by the General Assembly, first from (i) any revenues received from
 1057 any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1, (ii) to the extent
 1058 required, revenues received pursuant to any contract with a local jurisdiction or any alternative
 1059 mechanism for generation of local revenues for specific funding of a project satisfactory to the
 1060 Commonwealth Transportation Board, (iii) to the extent required, funds appropriated and allocated,
 1061 pursuant to the highway allocation formula as provided by law, to the highway construction district in
 1062 which the project or projects to be financed are located or to the city or county in which the project or
 1063 projects to be financed are located, (iv) to the extent required, legally available revenues from the
 1064 Transportation Trust Fund, and (v) such other funds which may be appropriated by the General
 1065 Assembly.

1066 F. Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes issued under this
 1067 article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full
 1068 faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to
 1069 appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other
 1070 federal highway assistance received from time to time by the Commonwealth, (ii) then, at the discretion
 1071 of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund,
 1072 and (iii) then, from such other funds, if any, which are designated by the General Assembly for such
 1073 purpose.

1074 G. Commonwealth of Virginia Transportation Credit Assistance Revenue Bonds issued under the
 1075 provisions of this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a
 1076 pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely,
 1077 subject to appropriation by the General Assembly, from revenues with respect to or generated by the
 1078 project or projects being financed thereby and any tolls or other revenues pledged by the Board as
 1079 security therefor and in accordance with the applicable federal credit assistance authorized with respect
 1080 to such project or projects by the United States Department of Transportation.

1081 *H. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds issued under the*
 1082 *provisions of this article for projects as provided in subdivision 2 v of § 33.1-268 shall not be deemed*
 1083 *to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the*
 1084 *Commonwealth, but such bonds shall be payable solely, subject to their appropriation by the General*
 1085 *Assembly, (i) from the revenues deposited into the Priority Transportation Fund established pursuant to*
 1086 *§ 33.1-23.03:8; (ii) to the extent required, from revenues legally available from the Transportation Trust*
 1087 *Fund; and (iii) to the extent required, from any other legally available funds.*

1088 CHAPTER 10.2.

1089 HAMPTON ROADS TRANSPORTATION AUTHORITY.

1090 § 33.1-391.6. Short Title.

1091 *This chapter shall be known and may be cited as the Hampton Roads Transportation Authority Act.*

1092 § 33.1-391.7. Authority created.

1093 *The Hampton Roads Transportation Authority, hereinafter in this chapter known as "the Authority" is*
 1094 *hereby created as a body politic and as a political subdivision of the Commonwealth. The Authority*
 1095 *shall embrace the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake,*
 1096 *Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg.*
 1097 *The membership of the Authority shall be as provided in §§ 33.1-391.9 and 33.1-391.12. In addition, the*
 1098 *Counties of Accomack and Northampton shall also be embraced by the Authority at such time that the*
 1099 *Chesapeake Bay Bridge-Tunnel facilities become subject to the control of the Authority as provided*
 1100 *under § 33.1-391.12.*

1101 § 33.1-391.8. Powers of the Authority.

1102 *Notwithstanding any contrary provision of this title and in accordance with all applicable federal*
 1103 *statutes and requirements, the Authority shall control and operate and may impose and collect tolls in*
 1104 *amounts established by the Authority for the use of any new or improved highway, bridge, tunnel, or*
 1105 *transportation facility to increase capacity on such facility (including new construction relating to, or*

1106 improvements to, the bridges, tunnels, roadways, and related facilities known collectively as the
 1107 Chesapeake Bay Bridge-Tunnel as described in § 33.1-391.12, pursuant to the conditions set forth in
 1108 such section) constructed by the Authority or solely with revenues of the Authority or revenues under the
 1109 control of the Authority. The amount of any such toll may be varied from facility to facility, by lane, by
 1110 congestion levels, by day of the week, time of day, type of vehicle, number of axles, or any similar
 1111 combination thereof, and a reduced rate may be established for commuters as defined by the Authority.
 1112 For purposes of this section, the Midtown and Downtown tunnels located within the Cities of Norfolk
 1113 and Portsmouth shall be considered a single transportation facility and both facilities may be tolled if
 1114 improvements are made to either tunnel. Any tolls imposed by the Authority shall be collected by an
 1115 electronic toll system that, to the extent possible, shall not impede the traffic flow of the facility or
 1116 prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the
 1117 facility. For all facilities tolled by the Authority, there shall be signs erected prior to the point of toll
 1118 collection that clearly state how the majority of the toll revenue is being spent by the Authority to
 1119 benefit the users of the facility.

1120 § 33.1-391.9. Composition of Authority; chairman and vice-chairman; quorum.

1121 The Authority shall consist of the following members: (i) the chief elected officer of the governing
 1122 body (or in the discretion of the chief elected officer, his designee, who shall be a current elected officer
 1123 of such governing body) of each of the Counties of Isle of Wight, James City, and York and the Cities of
 1124 Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and
 1125 Williamsburg, who shall serve with voting privileges; (ii) a member of the Commonwealth
 1126 Transportation Board who resides in a county or city embraced by the Authority appointed by the
 1127 Governor who shall serve ex officio without a vote; (iii) the Director of the Virginia Department of Rail
 1128 and Public Transportation, or his designee, who shall serve ex officio without a vote; (iv) the
 1129 Commonwealth Transportation Commissioner, or his designee, who shall serve ex officio without a vote;
 1130 (v) two members of the Virginia House of Delegates each of whom shall reside in a city or county
 1131 whose governing body has a voting member on the Authority, neither of whom shall reside in the same
 1132 city or county, appointed by the Speaker of the House of Delegates, who shall serve ex officio without a
 1133 vote; and (vi) one member of the Senate of Virginia who shall reside in a city or county whose
 1134 governing body has a voting member on the Authority, appointed by the Senate Committee on Rules
 1135 who shall serve ex officio without a vote. Legislative members shall serve terms coincident with their
 1136 terms of office. Vacancies shall be filled by appointment for the unexpired term by the same process as
 1137 used to make the original appointment.

1138 The Authority shall appoint a chairman and vice-chairman from among its voting membership.

1139 A majority of the voting members of the Authority shall constitute a quorum for the transaction of
 1140 business.

1141 Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures
 1142 established by the Authority. Decisions of the Authority shall require the affirmative vote of a majority
 1143 of the voting members of the Authority present and voting and such members present and voting in the
 1144 affirmative shall be representatives of counties and cities that collectively include at least fifty-one
 1145 percent of the population embraced by the Authority at the time of the vote. The population of counties
 1146 and cities embraced by the Authority shall be the population as determined by the most recently
 1147 preceding decennial census, except that after July 1 of the fifth year following such census, the
 1148 population of each county and city shall be adjusted, based on final population estimates made by the
 1149 Weldon Cooper Center for Public Service of the University of Virginia.

1150 Members of the Authority shall be reimbursed for their actual and necessary expenses incurred in
 1151 the performance of their duties and, in addition, shall be paid a per diem equal to the amount paid
 1152 members of the Commonwealth Transportation Board for each day or portion thereof during which they
 1153 are engaged in the official business of the Authority.

1154 The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the
 1155 financial accounts of the Authority, and the cost of such audit shall be borne by the Authority.

1156 § 33.1-391.10. Additional powers of the Authority.

1157 The Authority shall have the following powers together with all powers incidental thereto or
 1158 necessary for the performance of those hereinafter stated:

1159 1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having
 1160 jurisdiction of the subject matter and of the parties;

1161 2. To adopt and use a corporate seal and to alter the same at its pleasure;

1162 3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the
 1163 purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by
 1164 the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the
 1165 Authority or its officers, directors, employees, or agents are otherwise entitled;

1166 4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this

1167 chapter, deemed expedient for the management of the Authority's affairs;

1168 5. To apply for and accept money, materials, contributions, grants, or other financial assistance from
1169 the United States and agencies or instrumentalities thereof, the Commonwealth, and any political
1170 subdivision, agency, or instrumentality of the Commonwealth, and from any legitimate private source;

1171 6. To acquire real and personal property or any interest therein by purchase, lease, gift, or
1172 otherwise for purposes consistent with this chapter; and to hold, encumber, sell, or otherwise dispose of
1173 such land or interest for purposes consistent with this chapter;

1174 7. To acquire by purchase, lease, contract, or otherwise, highways, bridges, tunnels, railroads,
1175 rolling stock, and transit and rail facilities and other transportation-related facilities; and to construct
1176 the same by purchase, lease, contract, or otherwise;

1177 8. In consultation with the Commonwealth Transportation Board and with each city or county in
1178 which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct,
1179 reconstruct, or renovate any or all of the transportation facilities referred to in this section, and to
1180 acquire any real or personal property needed for any such purpose;

1181 9. To enter into agreements or leases with public or private entities for the operation and
1182 maintenance of bridges, tunnels, transit and rail facilities, and highways;

1183 10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and
1184 agreements necessary or convenient for the performance of its duties and the exercise of its powers and
1185 functions under this chapter;

1186 11. To the extent funds are made or become available to the Authority to do so, to employ
1187 employees, agents, advisors, and consultants, including without limitation, attorneys, financial advisers,
1188 engineers, and other technical advisers and, the provisions of any other law to the contrary
1189 notwithstanding, to determine their duties and compensation;

1190 12. The authority shall comply with the provisions governing localities contained in § 15.2-2108.23;

1191 13. To decide and vote to impose all of the fees and taxes authorized under law for use by the
1192 Authority. Furthermore, no such fee or tax shall apply to Accomack or Northampton County until such
1193 time that the Chesapeake Bay Bridge-Tunnel facilities become subject to the control of the Authority as
1194 provided under § 33.1-391.12; and

1195 14. To the extent not inconsistent with the other provisions of this chapter, and without limiting or
1196 restricting the powers otherwise given the Authority, to exercise all of the powers given to
1197 transportation district commissions by §§ 15.2-4518 and 15.2-4519. The Authority shall only undertake
1198 those transportation projects that are included in the federally mandated 2030 Regional Transportation
1199 Plan approved by the Metropolitan Planning Organization, or any successive plan, and that are located
1200 in, or which provide a benefit to, the counties and cities that are members of the Authority, subject to
1201 the limitations related to those projects contained in this section.

1202 The Authority shall phase construction of the transportation projects that are included in the
1203 federally mandated 2030 Regional Transportation Plan, or any successive plan. Except as specifically
1204 provided herein, projects listed in the second phase shall not be undertaken until the Authority has
1205 considered and acted upon a financing plan for the maintenance, operation, and construction for the
1206 projects listed in the first phase that meet the requirements of this section.

1207 *First Phase Projects:*

1208 Route 460 Upgrade; I-64 Widening on the Peninsula; I-64 Widening on the Southside; Downtown
1209 Tunnel/Midtown Tunnel/MLK Extension; Southeastern Parkway/Dominion Blvd/Route 17; I-664
1210 Widening in Newport News; I-664 Widening on the Southside; I-664 Monitor Merrimac Memorial
1211 Bridge Tunnel Widening.

1212 *Second Phase Projects:*

1213 I-564 from I-64 to the Intermodal Connector; I-564 Connector to the Monitor Merrimac Memorial
1214 Bridge Tunnel; Craney Island Connector.

1215 § 33.1-391.11. Authority a responsible public entity under Public-Private Transportation Act of 1995.

1216 The Authority is a responsible public entity as defined in the Public-Private Transportation Act of
1217 1995 (§ 56-556 et seq.) (the PPTA).

1218 It is the intent of the General Assembly that the Authority shall encourage private sector
1219 participation in the aforementioned projects. Any cost savings realized under the PPTA relating to the
1220 construction of first phase projects may be applied to advancing the future construction of second phase
1221 projects. Further, nothing herein shall prohibit the Authority from receiving and acting on PPTA
1222 proposals on projects in either phase.

1223 § 33.1-391.12. Addition of the Chesapeake Bay Bridge-Tunnel to facilities controlled by Authority;
1224 expansion of Authority membership; applicability of local transportation fees to Accomack and
1225 Northampton Counties.

1226 The bridges, tunnels, roadways, and related facilities known collectively as the Chesapeake Bay
1227 Bridge-Tunnel, which provide a vehicular connection across the mouth of the Chesapeake Bay between
1228 the City of Virginia Beach and Northampton County, shall become subject to the control of the

1229 Authority subject to the provisions of § 33.1-391.8, at such time as all of the bonds and other evidences
 1230 of debt now or hereafter issued by or on behalf of the Chesapeake Bay Bridge and Tunnel Commission
 1231 shall have been satisfied or paid in full. Until such bonds and other evidences of debt have been
 1232 satisfied or paid in full, control of and responsibility for the operation and maintenance of the
 1233 Chesapeake Bay Bridge-Tunnel facilities shall remain with the Chesapeake Bay Bridge and Tunnel
 1234 Commission.

1235 In discharging its responsibilities for the operation and maintenance of the Chesapeake Bay
 1236 Bridge-Tunnel facilities, the Authority shall have, in addition to the powers it is given by this chapter,
 1237 all of the powers and authority given to the Chesapeake Bay Bridge and Tunnel Commission by Chapter
 1238 693 of the Acts of Assembly of 1954 and by Chapter 714 of the Acts of the Assembly of 1956, as
 1239 amended and incorporated by reference as § 33.1-253.

1240 At such time as the Chesapeake Bay Bridge-Tunnel facilities become subject to the control of the
 1241 Authority as contemplated by this section, the Authority shall be enlarged by two members, who shall
 1242 serve with voting privileges, one of whom shall be the chief elected officer of the governing body of the
 1243 County of Accomack (or in the discretion of the chief elected officer, his designee, who shall be a
 1244 current elected officer of such governing body), and one of whom shall be the chief elected officer of the
 1245 governing body of the County of Northampton (or in the discretion of the chief elected officer, his
 1246 designee, who shall be a current elected officer of such governing body).

1247 § 33.1-391.13. Issuance of bonds by the Chesapeake Bay Bridge and Tunnel Commission.

1248 On a prospective basis, prior to issuing any bonds for the purposes of financing the construction of
 1249 new or additional tunnels, the Chesapeake Bay Bridge and Tunnel Commission shall affirm that no
 1250 bond, or payment of any temporary or interim financing shall have a maturity date that extends beyond
 1251 the maturity date of any existing bond or note until such time as the Authority is consulted about such
 1252 issuance.

1253 § 33.1-391.14. Continuing responsibilities of the Commonwealth Transportation Board and the
 1254 Virginia Department of Transportation.

1255 Except as otherwise explicitly provided in this chapter, until such time as the Authority and the
 1256 Virginia Department of Transportation, or the Authority and the Commonwealth Transportation Board,
 1257 agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the
 1258 Department of Transportation shall perform or cause to be performed all maintenance and operation of
 1259 the bridges, tunnels, and roadways pursuant to §33.1-391.10, and shall perform such other required
 1260 services and activities with respect to such bridges, tunnels, and roadways as were being performed on
 1261 January 1, 2008.

1262 § 33.1-391.15. Use of revenues by the Authority.

1263 Notwithstanding any other provision of this chapter, all moneys received by the Authority shall be
 1264 used by the Authority solely for the benefit of those counties and cities that are embraced by the
 1265 Authority, and such moneys shall be used by the Authority in a manner that is consistent with the
 1266 purposes stated in this chapter.

1267 § 46.2-206.1. Imposition of certain additional fees on certain drivers.

1268 A. The purpose of the civil remedial fees imposed in this section is to generate revenue from drivers
 1269 whose proven dangerous driving behavior places significant financial burdens upon the Commonwealth.
 1270 The civil remedial fees established by this section shall be in addition to any other fees, costs, or
 1271 penalties imposed pursuant to the Code of Virginia.

1272 B. The civil remedial fees established by this section shall be assessed on any resident of Virginia
 1273 operating a motor vehicle on the highways of Virginia, including persons to whom Virginia driver's
 1274 licenses, commercial driver's licenses, or learner's permits have been issued pursuant to this title; and
 1275 persons operating motor vehicles without licenses or whose license has been revoked or suspended.

1276 C. The court shall assess a person with the following fees upon each conviction of the following
 1277 offenses:

1278 1. Driving while his driver's license was suspended or revoked pursuant to § 18.2-272, 46.2-301,
 1279 46.2-302, 46.2-341.21, or 46.2-391 shall be assessed a fee to be paid in three annual payments of \$250
 1280 each;

1281 2. Reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 or aggressive driving in
 1282 violation of § 46.2-868.1 shall be assessed a fee to be paid in three annual payments of \$350 each;

1283 3. Driving while intoxicated in violation of § 18.2-266, 18.2-266.1, or 46.2-341.24 shall be assessed
 1284 a fee to be paid in three annual payments of \$750 each;

1285 4. Any other misdemeanor conviction for a driving and/or motor vehicle related violation of Title
 1286 18.2 or this title that is not included in one of the preceding three subdivisions shall be assessed a fee
 1287 to be paid in three annual payments of \$300 each; and

1288 5. Any felony conviction for a driving or motor vehicle-related offense under Title 18.2 or this title,
 1289 shall be assessed a fee to be paid in three annual payments of \$1,000 each.

1290 *D. For the purposes of subsection C:*

1291 *1. A finding of guilty in the case of a juvenile and a conviction under a substantially similar valid*
 1292 *local ordinance of any locality of the Commonwealth, shall be a conviction.*

1293 *2. The fees assessed under subsection C shall be implemented in a manner whereby no convictions*
 1294 *for offenses committed prior to July 1, 2007, shall be considered.*

1295 *E. The court shall collect, in full, the first annual payment of the fee imposed under subsection C at*
 1296 *the time of conviction and shall order the person assessed a fee to submit the second annual payment to*
 1297 *the Department within 14 calendar months of the date of conviction and the third annual payment to the*
 1298 *Department within 26 months of the date of conviction. When transmitting conviction information to the*
 1299 *Department the court shall also transmit notice that a fee has been imposed under this section and the*
 1300 *deadline upon which the second and third annual payments must be submitted to the Department. The*
 1301 *court shall order suspension of the driver's license or privilege to drive a motor vehicle in Virginia as*
 1302 *provided in § 46.2-395 of any person failing to pay the first annual payment of the fee assessed under*
 1303 *subsection C.*

1304 *F. For all convictions reported to the Department for which fees are established under subsection C,*
 1305 *the person assessed the fee shall submit the second annual payment to the Commissioner within 14*
 1306 *calendar months of the date of conviction and the third annual payment within 26 months of the date of*
 1307 *conviction. The Commissioner, or his designee, shall establish guidelines, policies, or procedures to*
 1308 *notify every person assessed a fee pursuant to subsection C of the second and the third annual*
 1309 *payments. If the person fails to make such payment, the Commissioner shall suspend his driver's license*
 1310 *or privilege to operate a motor vehicle in Virginia. No license shall be reissued or reinstated until all*
 1311 *fees assessed pursuant to this section have been paid and all other reinstatement requirements as*
 1312 *provided in this title have been satisfied.*

1313 *G. In addition to any fees set forth in subsection C, any person whose driver's record with the*
 1314 *Department shows a balance of eight or more driver demerit points on July 15 shall be assessed a fee*
 1315 *of \$100 plus \$75 for each demerit point in excess of eight, but not greater than \$700, provided that*
 1316 *only those demerit points attributable to offenses which occurred on or after July 1, 2007 shall be used*
 1317 *to calculate and assess such fees.*

1318 *H. The Commissioner, or his designee, shall assess the fees set forth in subsection G annually,*
 1319 *beginning on July 15, 2007.*

1320 *I. The Commissioner, or his designee, shall establish guidelines, policies, or procedures to notify*
 1321 *every person assessed a fee pursuant to subsection G. If any assessment made under subsection G*
 1322 *remains unpaid 60 days following the date on which the notice of assessment was mailed, the*
 1323 *Commissioner shall suspend the driver's license or privilege to drive a motor vehicle in Virginia of the*
 1324 *person against whom the assessment was imposed. No license shall be reissued or reinstated until all*
 1325 *fees assessed pursuant to this section have been paid and all other reinstatement requirements as*
 1326 *provided in this title have been satisfied.*

1327 *J. In the event that a person disputes a conviction on his driver's record based upon identity, if the*
 1328 *person presents the Department a certified copy of a petition to a court of competent jurisdiction*
 1329 *seeking to vacate an order of such conviction, the Department shall suspend the imposition of the*
 1330 *assessment. Such suspension shall be valid for one year from the date of the commencement or until 30*
 1331 *days after an entry of a final order on such petition, whichever occurs first.*

1332 *K. Funds collected through the imposition of the fees as provided for in this section shall be used to*
 1333 *pay the Department's cost in imposing and collecting such assessments as provided in the general*
 1334 *appropriation act, and any remainder shall be deposited into the Highway Maintenance and Operating*
 1335 *Fund.*

1336 § 46.2-694. Fees for vehicles designed and used for transportation of passengers; weights used for
 1337 computing fees; burden of proof.

1338 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the
 1339 transportation of passengers on the highways in the Commonwealth are:

1340 1. ~~Twenty-three~~ *Thirty-three* dollars for each private passenger car or motor home if the passenger
 1341 car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of
 1342 passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease
 1343 without a chauffeur.

1344 2. ~~Twenty-eight~~ *Thirty-eight* dollars for each passenger car or motor home which weighs more than
 1345 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is
 1346 not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

1347 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a
 1348 motorcycle with a normal seating capacity of more than 10 adults including the driver if the private
 1349 motor vehicle is not used for the transportation of passengers for compensation and is not kept or used
 1350 for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less
 1351 than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000

1352 pounds.

1353 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be
1354 less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
1355 pounds.

1356 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human
1357 beings.

1358 6. Thirteen dollars plus \$ 0.30 per 100 pounds or major fraction thereof for each motor vehicle,
1359 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
1360 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed
1361 in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and
1362 equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more
1363 than 4,000 pounds.

1364 7. Thirteen dollars plus \$ 0.70 per 100 pounds or major fraction thereof for each motor vehicle,
1365 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
1366 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
1367 pounds. In lieu of the foregoing fee of \$ 0.70 per 100 pounds, a motor carrier of passengers, operating
1368 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
1369 with the Surface Transportation Board of the United States Department of Transportation, Federal
1370 Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of
1371 such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
1372 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
1373 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
1374 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
1375 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
1376 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
1377 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
1378 representatives of the Commissioner at the end of such license year, the expense of such audit to be
1379 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
1380 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less
1381 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
1382 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
1383 in determining the apportionment provided for herein.

1384 8. Thirteen dollars plus \$ 0.80 per 100 pounds or major fraction thereof for each motor vehicle,
1385 trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for
1386 the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more
1387 than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

1388 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a
1389 chauffeur for the transportation of passengers, and which operates or should operate under permits issued
1390 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs
1391 more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

1392 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
1393 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

1394 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for
1395 the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of
1396 the vehicle exceeds 4,000 pounds, the fee shall be \$28.

1397 12. Thirteen dollars plus \$ 0.70 per 100 pounds or major fraction thereof for other passenger-carrying
1398 vehicles.

1399 13. An additional fee of \$4 per year shall be charged and collected at the time of registration of each
1400 pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All
1401 funds collected pursuant to this subdivision shall be paid into the state treasury and shall be set aside as
1402 a special fund to be used only for emergency medical service purposes. The moneys in the special fund
1403 shall be distributed as follows:

1404 a. Two percent shall be distributed to the State Department of Health to provide funding to the
1405 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
1406 volunteer recruitment, retention and training activities;

1407 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
1408 medical services training programs (excluding advanced life support classes); (ii) advanced life support
1409 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
1410 retain volunteer emergency medical services personnel only, including public awareness campaigns,
1411 technical assistance programs, and similar activities); (iv) emergency medical services system
1412 development, initiatives, and priorities based on needs identified by the State Emergency Medical

HOUSE

SUBSTITUTE

HB3202H4

1413 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical
 1414 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication
 1415 enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for
 1416 distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to
 1417 the Rescue Squad Assistance Fund;

1418 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

1419 d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical
 1420 Services for use in emergency medical services; and

1421 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is
 1422 registered, to provide funding for training of volunteer or salaried emergency medical service personnel
 1423 of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment
 1424 and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

1425 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these
 1426 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall
 1427 be in addition to any local appropriations and local governing bodies shall not use these funds to
 1428 supplant local funds. Each local governing body shall report annually to the Board of Health on the use
 1429 of the funds returned to it pursuant to this section. In any case in which the local governing body grants
 1430 the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit
 1431 emergency medical and rescue services, the local governing body shall remain responsible for the proper
 1432 use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the
 1433 locality pursuant to this section for that year has not been received from a local governing body, any
 1434 funds due to that local governing body for the next fiscal year shall be retained until such time as the
 1435 report has been submitted to the Board.

1436 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646
 1437 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or
 1438 § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the
 1439 number of months in the registration period for such motor vehicles, trailers, and semitrailers.

1440 C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required
 1441 by this section to be based upon the weight of the vehicle.

1442 D. The applicant for registration bears the burden of proof that the vehicle for which registration is
 1443 sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the
 1444 Commissioner or to his authorized agent.

1445 § 46.2-694.1. Fees for trailers and semitrailers not designed and used for transportation of passengers.

1446 Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed
 1447 and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

1448 Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
1449 0-1,500 lbs	\$8.00 \$18.00	\$16.00 \$36.00	\$50.00 \$70.00
1450 1,501-4,000 lbs	\$18.50 \$28.50	\$37.00 \$57.00	\$50.00 \$75.00
1451 4,001 lbs & above	\$23.50 \$40.00	\$47.00 \$80.00	\$50.00 \$100.00

1452 From the foregoing registration fees, the following amounts, regardless of weight category, shall be
 1453 paid by the Department into the state treasury and set aside for the payment of the administrative costs
 1454 of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this
 1455 title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year
 1456 registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

1457 § 46.2-697. Fees for vehicles not designed or used for transportation of passengers.

1458 A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not
 1459 designed and used for the transportation of passengers shall be ~~thirteen dollars~~ \$23 plus an amount
 1460 determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when
 1461 loaded to the maximum capacity for which it is registered and licensed, according to the schedule of
 1462 fees set forth in this section. For each 1,000 pounds of gross weight, or major fraction thereof, for
 1463 which any such vehicle is registered, there shall be paid to the Commissioner the fee indicated in the
 1464 following schedule immediately opposite the weight group and under the classification established by the
 1465 provisions of subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of
 1466 which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed.
 1467 The fee for a pickup or panel truck shall be ~~twenty-three dollars~~ \$33 if its gross weight is 4,000 pounds
 1468 or less, and ~~twenty-eight dollars~~ \$38 if its gross weight is 4,001 pounds through 6,500 pounds. The fee
 1469 shall be ~~twenty-nine dollars~~ \$39 for any motor vehicle with a gross weight of 6,501 pounds through
 1470 10,000 pounds.

1471	Fee Per Thousand Pounds of Gross Weight	
1472	Private	For Rent or
1473	Groups (pounds)	For Hire Carriers

1474			
1475	10,001 - 11,000	\$2.60 3.17	\$4.75
1476	11,001 - 12,000	2.80 3.42	4.90
1477	12,001 - 13,000	3.00 3.66	5.15
1478	13,001 - 14,000	3.20 3.90	5.40
1479	14,001 - 15,000	3.40 4.15	5.65
1480	15,001 - 16,000	3.60 4.39	5.90
1481	16,001 - 17,000	4.00 4.88	6.15
1482	17,001 - 18,000	4.40 5.37	6.40
1483	18,001 - 19,000	4.80 5.86	7.50
1484	19,001 - 20,000	5.20 6.34	7.70
1485	20,001 - 21,000	5.60 6.83	7.90
1486	21,001 - 22,000	6.00 7.32	8.10
1487	22,001 - 23,000	6.40 7.81	8.30
1488	23,001 - 24,000	6.80 8.30	8.50
1489	24,001 - 25,000	6.90 8.42	8.70
1490	25,001 - 26,000	6.95 8.48	8.90
1491	26,001 - 27,000	8.25 10.07	10.35
1492	27,001 - 28,000	8.30 10.13	10.55
1493	28,001 - 29,000	8.35 10.18	10.75
1494	29,001 - 40,000	8.45 10.31	10.95
1495	40,001 - 45,000	8.55 10.43	11.15
1496	45,001 - 50,000	8.75 10.68	11.25
1497	50,001 - 55,000	9.25 11.29	13.25
1498	55,001 - 76,000	11.25 13.73	15.25
1499	76,001 - 80,000	13.25 16.17	16.25
1500	For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of five dollars shall be imposed.		
1502	B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such case, the fee shall be twenty-five percent of the annual fee plus five dollars for each quarter that the vehicle is registered.		
1503			
1504			
1505			
1506	C. When an owner elects to register and license a motor vehicle under subsection B of this section, the provisions of §§ 46.2-646 and 46.2-688 shall not apply.		
1507			
1508	D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.		
1509			
1510			
1511	E. All registrations and licenses issued for less than a full year shall expire on the date shown on the license and registration.		
1512			
1513	<i>§ 46.2-702.1. Distribution of certain revenue.</i>		
1514	<i>A. Except as provided in subsection B, the net additional revenues generated by increases in the registration fees under §§ 46.2-694, 46.2-694.1, and 46.2-697 pursuant to enactments of the 2007 Session of the General Assembly, shall be deposited into the Highway Maintenance and Operating Fund.</i>		
1515			
1516	<i>B. In the case of vehicles registered under the International Registration Plan, an amount that is approximately equal to the net additional revenues generated by increases in the registration fees under §§ 46.2-694, 46.2-694.1, and 46.2-697 that are in regard to such vehicles pursuant to enactments of the 2007 Session of the General Assembly shall be deposited into the Highway and Maintenance Operating Fund.</i>		
1517			
1518			
1519			
1520			
1521			
1522	<i>C. For purposes of this title, "net additional revenues" shall mean the additional revenues provided pursuant to enactments of the 2007 Session of the General Assembly minus any refunds or remittances required to be paid.</i>		
1523			
1524			
1525	<i>§ 46.2-755.1. Additional annual license fees in certain localities.</i>		
1526	<i>In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and fees permitted by law, the Hampton Roads Transportation Authority established pursuant to § 33.1-391.7 and the Northern Virginia Transportation Authority established pursuant to §15.2-4830 are authorized to charge an additional non-refundable annual license fee in the amount of \$10 for each vehicle registered in any county or city that is embraced by the respective Authority, for such vehicles subject to state registration fees under this Title. Such additional license fees shall not, however, be charged for any vehicle registered under the International Registration Plan developed by International Registration</i>		
1527			
1528			
1529			
1530			
1531			
1532			

1533 *Plan, Inc.*

1534 § 46.2-755.2. *Additional initial registration fees in certain localities.*

1535 *In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and fees*
 1536 *permitted by law, the Hampton Roads Transportation Authority established pursuant to § 33.1-391.7 and*
 1537 *the Northern Virginia Transportation Authority established pursuant to § 15.2-4830 are authorized to*
 1538 *charge an additional non-refundable initial, one-time registration fee on any vehicle registered in any*
 1539 *county or city that is embraced by the respective Authority, for such vehicles subject to state registration*
 1540 *fees under this Title. The fee shall be imposed at a rate of 1% of the value of the vehicle at the time the*
 1541 *vehicle is first registered in such county or city by the owner of the vehicle. The value of the vehicle*
 1542 *shall be determined on the same basis as is or would be used to determine the basis for motor vehicle*
 1543 *sales and use tax as set forth in Chapter 24 (§ 58.1-2400 et seq.) of Title 58.1. The fee -authorized by*
 1544 *this section shall be assessed at the time the vehicle is first registered in the county or city embraced by*
 1545 *the respective Authority by the owner of the vehicle, and shall be imposed only once, so long as the*
 1546 *ownership of the vehicle upon which they are imposed remains unchanged.*

1547 *The fee authorized by this section shall not be imposed upon (i) vehicles registered prior to January*
 1548 *1, 2008 unless the ownership of the vehicle changes on or after January 1, 2008; (ii) vehicles registered*
 1549 *under the International Registration Plan developed by International Registration Plan, Inc.; and (iii)*
 1550 *any vehicle for which the sole basis for imposing the fee would be a change in the ownership of the*
 1551 *vehicle due to (a) a gift to the spouse, son, or daughter of the transferor, (b) a transfer to a spouse,*
 1552 *heir under the will, or heir at law by intestate succession as a result of the death of the owner of the*
 1553 *vehicle, or (c) the addition or removal of a spouse.*

1554 § 46.2-1135. *Liquidated damages for violation of weight limits.*

1555 *A. Any person violating any weight limit as provided in this chapter or in any permit issued pursuant*
 1556 *to Article 18 (§ 46.2-1139 et seq.) of this chapter by the Department or its designee or by local*
 1557 *authorities pursuant to this chapter shall be assessed liquidated damages. The amount of those damages*
 1558 *shall be:*

1559	Excess weight over	
1560	the prescribed	
1561	or permitted	Assessed
1562	axle weight	amount per
1563	limits	pound

1564 ~~4,000 pounds or less 1 cent per pound~~

1565 ~~4,001 to 8,000 pounds 10 cents per pound~~

1566 ~~8,001 to 12,000 pounds 20 cents per pound~~

1567 ~~12,001 pounds or more 30 cents per pound~~

1568 ~~2,000 pounds or less 1 cent per pound~~

1569 ~~2,001 to 4,000 pounds 3 cents per pound~~

1570 ~~4,001 to 8,000 pounds 12 cents per pound~~

1571 ~~8,001 to 12,000 pounds 22 cents per pound~~

1572 ~~12,001 pounds or more 35 cents per pound~~

1573	Excess weight over	
1574	the prescribed	Assessed
1575	gross weight	amount per
1576	limit	pound

1577

1578 ~~4,000 pounds or less 1 cent per pound~~

1579 ~~4,001 to 8,000 pounds 5 cents per pound~~

1580 ~~8,001 to 12,000 pounds 10 cents per pound~~

1581 ~~12,001 pounds or more 15 cents per pound~~

1582 ~~2,000 pounds or less 1 cent per pound~~

1583 ~~2,001 to 4,000 pounds 3 cents per pound~~

1584 ~~4,001 to 8,000 pounds 7 cents per pound~~

1585 ~~8,001 to 12,000 pounds 12 cents per pound~~

1586 ~~12,001 pounds or more 20 cents per pound~~

1587 *All gross permit violations shall be assessed \$.20 per pound over the permitted weight limit.*

1588 *In addition to all damages assessed herein, for every violation of any weight limit as provided in this*
 1589 *chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter, there shall*
 1590 *be assessed additional liquidated damages of \$20.*

1591 *If a person has no prior violations under the motor vehicle weight laws, and the excess weight does*

1592 not exceed 2,500,500 pounds, the general district court may waive the liquidated damages against such
 1593 person. Except as provided by § 46.2-1138, such assessment shall be entered by the court or by the
 1594 Department as a judgment for the Commonwealth, the entry of which shall constitute a lien upon the
 1595 overweight vehicle. Except as provided by § 46.2-1138, such sums shall be paid to the Department or
 1596 collected by the attorney for the Commonwealth and forwarded to the State Treasurer and allocated to
 1597 the fund appropriated for the construction and maintenance of state highways.

1598 B. If the gross weight of the vehicle exceeds lawful limits by at least 25 percent but no more than
 1599 50 percent, the amount of the liquidated damages shall be two times the amount provided for in the
 1600 foregoing provisions of this section; if the gross weight of the vehicle exceeds lawful limits by more
 1601 than 50 percent, the amount of the liquidated damages shall be three times the amount provided for in
 1602 the foregoing provisions of this section. The provisions of this subsection shall not apply to pickup or
 1603 panel trucks.

1604 C. *The increases in the liquidated damages under subsection A pursuant to enactments of the 2007*
 1605 *Session of the General Assembly shall not be applicable to any motor vehicle hauling forest or farm*
 1606 *products from the place where such products are first produced, cut, harvested, or felled to the location*
 1607 *where they are first processed. The amount of liquidated damages assessed against such motor vehicles*
 1608 *shall be:*

1609		
1610	<i>Excess weight over</i>	<i>Assessed</i>
1611	<i>the prescribed or</i>	<i>amount per</i>
1612	<i>permitted axle</i>	<i>weight</i>
1613	<i>weight limits</i>	<i>per pound</i>
1614		
1615		
1616	<i>4,000 pounds or less</i>	<i>1 cent per pound</i>
1617	<i>4,001 to 8,000 pounds</i>	<i>10 cents per pound</i>
1618	<i>8,001 to 12,000 pounds</i>	<i>20 cents per pound</i>
1619	<i>12,001 pounds or more</i>	<i>30 cents per pound</i>

1620		
1621		
1622	<i>Excess weight over</i>	<i>Assessed</i>
1623	<i>the prescribed gross</i>	<i>amount per</i>
1624	<i>weight limit</i>	<i>weight</i>
1625		<i>per pound</i>
1626		
1627	<i>4,000 pounds or less</i>	<i>1 cent per pound</i>
1628	<i>4,001 to 8,000 pounds</i>	<i>5 cents per pound</i>
1629	<i>8,001 to 12,000 pounds</i>	<i>10 cents per pound</i>
1630	<i>12,001 pounds or more</i>	<i>15 cents per pound</i>

1631 § 46.2-1167.1. *Additional fee permitted in certain counties and cities.*

1632 *In addition to all other charges and fees permitted by law, the Hampton Roads Transportation*
 1633 *Authority and the Northern Virginia Transportation Authority are authorized to charge an additional fee*
 1634 *at the time of inspection in the amount of \$10 for all vehicles for which an amount is permitted to be*
 1635 *charged for inspection pursuant to § 46.2-1167 in the area embraced by the respective Authority and*
 1636 *which shall be transmitted to the respective Authority.*

1637 § 58.1-605. To what extent and under what conditions cities and counties may levy local sales taxes;
 1638 collection thereof by Commonwealth and return of revenue to each city or county entitled thereto.

1639 A. No county, city or town shall impose any local general sales or use tax or any local general retail
 1640 sales or use tax except as authorized by this section.

1641 B. The council of any city and the governing body of any county may levy a general retail sales tax
 1642 at the rate of one percent to provide revenue for the general fund of such city or county. Such tax shall
 1643 be added to the rate of the state sales tax imposed by §§ 58.1-603 and 58.1-604 and shall be subject to
 1644 all the provisions of this chapter and the rules and regulations published with respect thereto. No
 1645 discount under § 58.1-622 shall be allowed on a local sales tax.

1646 C. The council of any city and the governing body of any county desiring to impose a local sales tax
 1647 under this section may do so by the adoption of an ordinance stating its purpose and referring to this
 1648 section, and providing that such ordinance shall be effective on the first day of a month at least 60 days
 1649 after its adoption. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so
 1650 that it will be received within five days after its adoption.

1651 D. Any local sales tax levied under this section shall be administered and collected by the Tax
1652 Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

1653 E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid
1654 into the state treasury to the credit of a special fund which is hereby created on the Comptroller's books
1655 under the name "Collections of Local Sales Taxes." Such local sales tax moneys shall be credited to the
1656 account of each particular city or county levying a local sales tax under this section. The basis of such
1657 credit shall be the city or county in which the sales were made as shown by the records of the
1658 Department and certified by it monthly to the Comptroller, namely, the city or county of location of
1659 each place of business of every dealer paying the tax to the Commonwealth without regard to the city or
1660 county of possible use by the purchasers. If a dealer has any place of business located in more than one
1661 political subdivision by reason of the boundary line or lines passing through such place of business, the
1662 amount of sales tax paid by such a dealer with respect to such place of business shall be treated for the
1663 purposes of this section as follows: one-half shall be assignable to each political subdivision where two
1664 are involved, one-third where three are involved, and one-fourth where four are involved.

1665 F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in
1666 any month for the preceding month, the Comptroller shall draw his warrant on the Treasurer of Virginia
1667 in the proper amount in favor of each city or county entitled to the monthly return of its local sales tax
1668 moneys, and such payments shall be charged to the account of each such city or county under the
1669 special fund created by this section. If errors are made in any such payment, or adjustments are
1670 otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall
1671 be corrected and adjustments made in the payments for the next six months as follows: one-sixth of the
1672 total adjustment shall be included in the payments for the next six months. In addition, the payment
1673 shall include a refund of amounts erroneously not paid to the city or county and not previously refunded
1674 during the three years preceding the discovery of the error. A correction and adjustment in payments
1675 described in this subsection due to the misallocation of funds by the dealer shall be made within three
1676 years of the date of the payment error.

1677 G. Such payments to counties are subject to the qualification that in any county wherein is situated
1678 any incorporated town constituting a special school district and operated as a separate school district
1679 under a town school board of three members appointed by the town council, the county treasurer shall
1680 pay into the town treasury for general governmental purposes the proper proportionate amount received
1681 by him in the ratio that the school age population of such town bears to the school age population of
1682 the entire county. If the school age population of any town constituting a separate school district is
1683 increased by the annexation of territory since the last preceding school age population census, such
1684 increase shall, for the purposes of this section, be added to the school age population of such town as
1685 shown by the last such census and a proper reduction made in the school age population of the county
1686 or counties from which the annexed territory was acquired.

1687 H. One-half of such payments to counties are subject to the further qualification, other than as set
1688 out in subsection G above, that in any county wherein is situated any incorporated town not constituting
1689 a separate special school district which has complied with its charter provisions providing for the
1690 election of its council and mayor for a period of at least four years immediately prior to the adoption of
1691 the sales tax ordinance, the county treasurer shall pay into the town treasury of each such town for
1692 general governmental purposes the proper proportionate amount received by him in the ratio that the
1693 school age population of each such town bears to the school age population of the entire county, based
1694 on the latest statewide school census. The preceding requirement pertaining to the time interval between
1695 compliance with election provisions and adoption of the sales tax ordinance shall not apply to a tier-city.
1696 If the school age population of any such town not constituting a separate special school district is
1697 increased by the annexation of territory or otherwise since the last preceding school age population
1698 census, such increase shall, for the purposes of this section, be added to the school age population of
1699 such town as shown by the last such census and a proper reduction made in the school age population
1700 of the county or counties from which the annexed territory was acquired.

1701 I. Notwithstanding the provisions of subsection H, the board of supervisors of a county may, in its
1702 discretion, appropriate funds to any incorporated town not constituting a separate school district within
1703 such county which has not complied with the provisions of its charter relating to the elections of its
1704 council and mayor, an amount not to exceed the amount it would have received from the tax imposed
1705 by this chapter if such election had been held.

1706 J. It is further provided that if any incorporated town which would otherwise be eligible to receive
1707 funds from the county treasurer under subsection G or H of this section be located in a county which
1708 does not levy a general retail sales tax under the provisions of this law, such town may levy a general
1709 retail sales tax at the rate of one percent to provide revenue for the general fund of the town, subject to
1710 all the provisions of this section generally applicable to cities and counties. Any tax levied under the
1711 authority of this subsection shall in no case continue to be levied on or after the effective date of a
1712 county ordinance imposing a general retail sales tax in the county within which such town is located.

1713 K. 1. Notwithstanding the other provisions of this chapter, the Hampton Roads Transportation
 1714 Authority and the Northern Virginia Transportation Authority may impose a retail sales tax at the rate
 1715 of 5% on (i) charges for separately stated labor or services in the repair of motor vehicles and (ii)
 1716 charges for the repair of a motor vehicle in cases in which the true object of the repair is a service
 1717 provided within a city or county embraced by the respective Authority.

1718 2. The revenue generated and collected pursuant to the tax authorized under this subsection, less the
 1719 applicable portion of any refunds to taxpayers and after subtraction of the direct costs of administration
 1720 by the Department, shall be deposited and held in a special trust fund under the control of the State
 1721 Treasurer entitled "Special Sales and Use Tax Motor Vehicle Repair Fund." The State Treasurer on a
 1722 monthly basis shall distribute the amounts deposited in the special trust fund to the Hampton Roads
 1723 Transportation Authority or the Northern Virginia Transportation Authority as appropriate.

1724 3. No discount under § 58.1-622 shall be allowed for the tax described under this subsection. Except
 1725 as otherwise provided herein, the tax under this subsection shall be administered and collected in the
 1726 same manner and subject to the same penalties as provided for the local retail sales tax.

1727 § 58.1-606. To what extent and under what conditions cities and counties may levy local use tax;
 1728 collection thereof by Commonwealth and return of revenues to the cities and counties.

1729 A. The council of any city and the governing body of any county which has levied or may hereafter
 1730 levy a city or county sales tax under § 58.1-605 may levy a city or county use tax at the rate of one
 1731 percent to provide revenue for the general fund of such city or county. Such tax shall be added to the
 1732 rate of the state use tax imposed by this chapter and shall be subject to all the provisions of this chapter,
 1733 and all amendments thereof, and the rules and regulations published with respect thereto, except that no
 1734 discount under § 58.1-622 shall be allowed on a local use tax.

1735 B. The council of any city and the governing body of any county desiring to impose a local use tax
 1736 under this section may do so in the manner following:

1737 1. If the city or county has previously imposed the local sales tax authorized by § 58.1-605, the local
 1738 use tax may be imposed by the council or governing body by the adoption of a resolution by a majority
 1739 of all the members thereof, by a recorded ye and nay vote, stating its purpose and referring to this
 1740 section, and providing that the local use tax shall become effective on the first day of a month at least
 1741 60 days after the adoption of the resolution. A certified copy of such resolution shall be forwarded to
 1742 the Tax Commissioner so that it will be received within five days after its adoption. The resolution
 1743 authorized by this paragraph may be adopted in the manner stated notwithstanding any other provision
 1744 of law, including any charter provision.

1745 2. If the city or county has not imposed the local sales tax authorized by § 58.1-605, the local use
 1746 tax may be imposed by ordinance together with the local sales tax in the manner set out in subsections
 1747 B and C of § 58.1-605.

1748 C. Any local use tax levied under this section shall be administered and collected by the Tax
 1749 Commissioner in the same manner and subject to the same penalties as provided for the state use tax.

1750 D. The local use tax authorized by this section shall not apply to transactions to which the sales tax
 1751 applies, the situs of which for state and local sales tax purposes is the city or county of location of each
 1752 place of business of every dealer paying the tax to the Commonwealth without regard to the city or
 1753 county of possible use by the purchasers. However, the local use tax authorized by this section shall
 1754 apply to tangible personal property purchased without this Commonwealth for use or consumption
 1755 within the city or county imposing the local use tax, or stored within the city or county for use or
 1756 consumption, where the property would have been subject to the sales tax if it had been purchased
 1757 within this Commonwealth. The local use tax shall also apply to leases or rentals of tangible personal
 1758 property where the place of business of the lessor is without this Commonwealth and such leases or
 1759 rentals are subject to the state tax. Moreover, the local use tax shall apply in all cases in which the state
 1760 use tax applies.

1761 E. Out-of-state dealers who hold certificates of registration to collect the use tax from their customers
 1762 for remittance to this Commonwealth shall, to the extent reasonably practicable, in filing their monthly
 1763 use tax returns with the Tax Commissioner, break down their shipments into this Commonwealth by
 1764 cities and counties so as to show the city or county of destination. If, however, the out-of-state dealer is
 1765 unable accurately to assign any shipment to a particular city or county, the local use tax on the tangible
 1766 personal property involved shall be remitted to the Commonwealth by such dealer without attempting to
 1767 assign the shipment to any city or county.

1768 F. Local use tax revenue shall be distributed among the cities and counties for which it is collected,
 1769 respectively, as shown by the records of the Department, and the procedure shall be the same as that
 1770 prescribed for distribution of local sales tax revenue under § 58.1-605. The local use tax revenue that is
 1771 not accurately assignable to a particular city or county shall be distributed monthly by the appropriate
 1772 state authorities among the cities and counties in this Commonwealth imposing the local use tax upon
 1773 the basis of taxable retail sales in the respective cities and counties in which the local sales and use tax

1774 was in effect in the taxable month involved, as shown by the records of the Department, and computed
 1775 with respect to taxable retail sales as reflected by the amounts of the local sales tax revenue distributed
 1776 among such cities and counties, respectively, in the month of distribution. Notwithstanding any other
 1777 provision of this section, the Tax Commissioner shall develop a uniform method to distribute local use
 1778 tax. Any significant changes to the method of local use tax distribution shall be phased in over a
 1779 five-year period. Distribution information shall be shared with the affected localities prior to
 1780 implementation of the changes.

1781 G. All local use tax revenue shall be used, applied or disbursed by the cities and counties as
 1782 provided in § 58.1-605 with respect to local sales tax revenue.

1783 *H. 1. Notwithstanding the other provisions of this chapter, the Hampton Roads Transportation*
 1784 *Authority and the Northern Virginia Transportation Authority may impose a retail use tax at the rate of*
 1785 *5% on (i) charges for separately stated labor or services for the repair of motor vehicles and (ii)*
 1786 *charges for the repair of a motor vehicle in cases in which the true object of the repair is a service*
 1787 *provided within a city or county embraced by the respective Authority.*

1788 *2. The revenue generated and collected pursuant to the tax authorized under this subsection, less the*
 1789 *applicable portion of any refunds to taxpayers and after subtraction of the direct costs of administration*
 1790 *by the Department, shall be deposited and held in a special trust fund under the control of the State*
 1791 *Treasurer entitled "Special Sales and Use Tax Motor Vehicle Repair Fund." The State Treasurer on a*
 1792 *monthly basis shall distribute the amounts deposited in the special trust fund to the Hampton Roads*
 1793 *Transportation Authority or the Northern Virginia Transportation Authority as appropriate.*

1794 *3. No discount under § 58.1-622 shall be allowed for the tax described under this subsection. Except*
 1795 *as otherwise provided herein, the tax under this subsection shall be administered and collected in the*
 1796 *same manner and subject to the same penalties as provided for the local retail use tax.*

1797 *§ 58.1-625.1. Certain dealers required to separately state labor or service charges in the repair of*
 1798 *motor vehicles.*

1799 *Any dealer or other person required to collect any tax imposed under this chapter, or pursuant to*
 1800 *any authority granted under this chapter, who is located in any county or city embraced by the*
 1801 *Northern Virginia Transportation Authority established under § 15.2-4830 or the Hampton Roads*
 1802 *Transportation Authority established under § 33.1-391.7, shall separately state on any bill, invoice,*
 1803 *ticket, or other billing statement the amount charged by such dealer or person for labor or services*
 1804 *performed in the repair of motor vehicles. This section shall apply only in the counties or cities*
 1805 *embraced by the Northern Virginia Transportation Authority if the Authority is imposing the taxes*
 1806 *authorized pursuant to subsection K of § 58.1-605 and subsection H of § 58.1-606, or in the counties or*
 1807 *cities embraced by the Hampton Roads Transportation Authority if the Authority is imposing the taxes*
 1808 *authorized pursuant to subsection K of § 58.1-605 and subsection H of § 58.1-606.*

1809 *§ 58.1-802.1. Regional congestion relief fee.*

1810 *In addition to any other tax imposed under the provisions of this chapter, the Hampton Roads*
 1811 *Transportation Authority established pursuant to § 33.1-391.7 and the Northern Virginia Transportation*
 1812 *Authority established pursuant to § 15.2-4830 may impose a fee, delineated as the "Regional congestion*
 1813 *relief fee," on each deed, instrument, or writing by which lands, tenements, or other realty located in*
 1814 *any county or city embraced by the respective Authority is sold and is granted, assigned, transferred, or*
 1815 *otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction.*
 1816 *The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or*
 1817 *exceeds \$100, shall be \$0.40 for each \$100 or fraction thereof, exclusive of the value of any lien or*
 1818 *encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is*
 1819 *sold subject to such lien or encumbrance.*

1820 *The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of*
 1821 *the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.*

1822 *Fees imposed by this section shall be collected pursuant to subsection B of § 58.1-802. However, the*
 1823 *compensation allowed to the clerk of the court under such subsection shall not be applicable with*
 1824 *regard to the fee collected under this section. The clerk shall return all fees collected pursuant to the*
 1825 *authority granted under this section to the Hampton Roads Transportation Authority or the Northern*
 1826 *Virginia Transportation Authority, as appropriate, as soon as practicable.*

1827 *§ 58.1-811. Exemptions.*

1828 A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate
 1829 or lease of real estate:

1830 1. To an incorporated college or other incorporated institution of learning not conducted for profit,
 1831 where such real estate is intended to be used for educational purposes and not as a source of revenue or
 1832 profit;

1833 2. To an incorporated church or religious body or to the trustee or trustees of any church or religious
 1834 body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively
 1835 for religious purposes, or for the residence of the minister of any such church or religious body;

- 1836 3. To the United States, the Commonwealth, or to any county, city, town, district or other political
1837 subdivision of the Commonwealth;
- 1838 4. To the Virginia Division of the United Daughters of the Confederacy;
- 1839 5. To any nonstock corporation organized exclusively for the purpose of owning or operating a
1840 hospital or hospitals not for pecuniary profit;
- 1841 6. To a corporation upon its organization by persons in control of the corporation in a transaction
1842 which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it
1843 exists at the time of the conveyance;
- 1844 7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a
1845 transaction which qualifies for income tax treatment pursuant to § 331, 332, 333 or 337 of the Internal
1846 Revenue Code as it exists at the time of liquidation;
- 1847 8. To the surviving or new corporation, partnership or limited liability company upon merger or
1848 consolidation of two or more corporations, partnerships or limited liability companies, or in a
1849 reorganization within the meaning of § 368 (a) (1) (C) and (F) of the Internal Revenue Code as
1850 amended;
- 1851 9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a
1852 parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal
1853 Revenue Code as amended;
- 1854 10. To a partnership or limited liability company, when the grantors are entitled to receive not less
1855 than 50 percent of the profits and surplus of such partnership or limited liability company; provided that
1856 the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the
1857 company to avoid recordation taxes;
- 1858 11. From a partnership or limited liability company, when the grantees are entitled to receive not less
1859 than 50 percent of the profits and surplus of such partnership or limited liability company; provided that
1860 the transfer from a limited liability company is not subsequent to a transfer of control of the assets of
1861 the company to avoid recordation taxes;
- 1862 12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of
1863 the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust
1864 instrument, when no consideration has passed between the grantor and the beneficiaries; and to the
1865 original beneficiaries of a trust from the trustees holding title under a deed in trust;
- 1866 13. When the grantor is the personal representative of a decedent's estate or trustee under a will or
1867 inter vivos trust of which the decedent was the settlor, other than a security trust defined in § 55-58.1,
1868 and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to
1869 transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive
1870 provision in the trust instrument; or
- 1871 14. When the grantor is an organization exempt from taxation under § 501 (c) (3) of the Internal
1872 Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect
1873 or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise
1874 would be unable to afford to buy a home through conventional means, located in a county with a
1875 population of not less than 28,500 and not more than 28,650 or a city with a population of not less than
1876 66,000 and not more than 70,000.
- 1877 B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:
- 1878 1. Given by an incorporated college or other incorporated institution of learning not conducted for
1879 profit;
- 1880 2. Given by the trustee or trustees of a church or religious body or given by an incorporated church
1881 or religious body, or given by a corporation mentioned in § 57-16.1;
- 1882 3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or
1883 operating a hospital or hospitals not for pecuniary profit;
- 1884 4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a
1885 debt payable to any other local governmental entity or political subdivision; or
- 1886 5. Securing a loan made by an organization described in subdivision 14 of subsection A of this
1887 section.
- 1888 C. The tax imposed by § 58.1-802 *and the fees imposed by § 58.1-802.1* shall not apply to any:
- 1889 1. Transaction described in subdivisions 6 through 13 of subsection A of this section;
- 1890 2. Instrument or writing given to secure a debt;
- 1891 3. Deed conveying real estate from an incorporated college or other incorporated institution of
1892 learning not conducted for profit;
- 1893 4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town,
1894 district or other political subdivision thereof;
- 1895 5. Conveyance of real estate to the Commonwealth or any county, city, town, district or other
1896 political subdivision thereof, if such political unit is required by law to reimburse the parties taxable

1897 pursuant to § 58.1-802 or subject to the fee under § 58.1-802.1; or

1898 6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an
 1899 incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

1900 D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or
 1901 grantors and a grantee or grantees when no consideration has passed between the parties. Such deed
 1902 shall state therein that it is a deed of gift.

1903 E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the
 1904 Commonwealth, or any county, city, town, district or other political subdivision of the Commonwealth.

1905 F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-802.1, 58.1-807, 58.1-808 and
 1906 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The
 1907 Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy,
 1908 where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of
 1909 preserving wilderness, natural or open space areas.

1910 G. The words "trustee" or "trustees," as used in subdivision 2 of subsection A, subdivision 2 of
 1911 subsection B, and subdivision 6 of subsection C, include the trustees mentioned in § 57-8 and the
 1912 ecclesiastical officers mentioned in § 57-16.

1913 H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual
 1914 right, if the release is contained within a single deed that performs more than one function, and at least
 1915 one of the other functions performed by the deed is subject to the recordation tax.

1916 I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement,
 1917 release, or other document recorded in connection with a concession pursuant to the Public-Private
 1918 Transportation Act of 1995 (§ 56-556 et seq.) or similar federal law.

1919 § 58.1-815.4. *Distribution of recordation tax for certain transportation-related purposes.*

1920 *Effective July 1, 2008, of the state recordation taxes imposed pursuant to §§ 58.1-801 and 58.1-803,*
 1921 *the revenues collected each fiscal year from 3 cents of the total tax imposed under each section shall be*
 1922 *deposited by the Comptroller as follows:*

1923 1. *The revenues collected from 2 cents of the total tax shall be deposited into the Commonwealth*
 1924 *Mass Transit Fund pursuant to subdivision A 4 e of § 58.1-638; and*

1925 2. *The revenues collected from 1 cent of the total tax shall be deposited into the Highway*
 1926 *Maintenance and Operating Fund.*

1927 *Article 4.1.*

1928 *Motor Vehicle Fuel Sales Tax in Certain Localities*

1929 § 58.1-1724.2. *Rules and regulations; bracket system.*

1930 *The Tax Commissioner shall promulgate rules and regulations for the registration of dealers and the*
 1931 *procedures for filing returns for the payment of the tax imposed pursuant to this article. Such*
 1932 *regulations shall include provisions for a bracket system, designed so that the tax will appear on the*
 1933 *fuel pump as a part of the total cost of a unit of fuel, whether the unit is a gallon or other measure.*
 1934 *The bracket system shall state the tax per unit measure in tenths of a cent, and shall be in increments of*
 1935 *no more than 2 1/2 cents.*

1936 § 58.1-1724.3. *Sales tax on fuel in certain localities.*

1937 A. *In addition to all other taxes, fees, and other charges imposed on fuels subject to tax under*
 1938 *Chapter 22 (§ 58.1-2200 et seq.) of this title, the Hampton Roads Transportation Authority may impose*
 1939 *a sales tax of two percent of the retail price of such fuels sold at retail within any county or city*
 1940 *embraced by the Authority. The Commissioner shall transfer the revenues collected to the Hampton*
 1941 *Roads Transportation Authority established under § 33.1-391.7. As used in this section "sold at retail"*
 1942 *means a sale to a consumer or to any person for any purpose other than resale.*

1943 B. *The tax imposed under this section shall be subject to the provisions of the Virginia Retail Sales*
 1944 *and Use Tax Act (§ 58.1-600 et seq.), except that the exemption provided for motor vehicle fuels under*
 1945 *§ 58.1-609.1, and the bracket system provided in such act, shall not be applicable.*

1946 § 58.1-1724.4. *Exclusion from professional license tax.*

1947 *The amount of the tax imposed by this article and collected by a dealer in any taxable year shall be*
 1948 *excluded from gross receipts for purposes of any tax imposed under Chapter 37 (§ 58.1-3700 et seq.) of*
 1949 *this title.*

1950 § 58.1-1724.5. *Refund of motor vehicle fuel sales tax.*

1951 *Anyone who purchases fuel (i) that is taxed under the provisions of § 58.1-1724.3 and (ii) upon*
 1952 *which a refund is granted for motor fuels taxes paid pursuant to the provisions of Chapter 22*
 1953 *(§ 58.1-2200 et seq.), may file a claim for a refund of taxes paid under this article within thirty days*
 1954 *after receipt of a refund under the above chapter on forms and under regulations adopted by the*
 1955 *Department of Taxation.*

1956 § 58.1-1724.6. *Disposition of tax revenues.*

1957 *All taxes paid to the Commissioner pursuant to this article, after subtraction of the direct costs of*
 1958 *administration by the Department, shall be transferred to the Hampton Roads Transportation Authority*

- 1959 on a monthly basis.
- 1960 § 58.1-1724.7. Disclosure of information; penalties.
- 1961 For purposes of administering the tax levied under this article, the Commissioner, upon written
- 1962 request, is authorized to provide to the finance officer of the Hampton Roads Transportation Authority,
- 1963 such information as may be necessary for the performance his of official duties. Any person to whom
- 1964 information is provided pursuant to this section shall be subject to the prohibitions and penalties
- 1965 prescribed in § 58.1-3.
- 1966 § 58.1-2217. Taxes levied; rate.
- 1967 A. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on gasoline and
- 1968 gasohol.
- 1969 B. There is hereby levied a tax at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon on
- 1970 diesel fuel.
- 1971 C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that
- 1972 contains diesel fuel shall be taxed at the rate levied on diesel fuel.
- 1973 D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person,
- 1974 whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in
- 1975 highway vehicles any aviation gasoline shall be liable for the tax at the rate of seventeen and one-half
- 1976 cents per gallon, along with any penalties and interest that may accrue.
- 1977 E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or
- 1978 acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax
- 1979 at the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded
- 1980 aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is
- 1981 hereby levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded
- 1982 aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in
- 1983 any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells
- 1984 or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for
- 1985 the tax imposed at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon, along with any penalties
- 1986 and interest that may accrue.
- 1987 F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline,
- 1988 aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and
- 1989 delivered or used in the Commonwealth.
- 1990 § 58.1-2249. Tax on alternative fuel.
- 1991 A. There is hereby levied a tax at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon on
- 1992 liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores
- 1993 fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate
- 1994 equivalent to ~~sixteen~~ *seventeen and one-half* cents per gallon on all other alternative fuel used to operate
- 1995 a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other
- 1996 alternative fuels.
- 1997 B. In addition to any tax imposed by this article, there is hereby levied an annual license tax of fifty
- 1998 dollars per vehicle on each highway vehicle that is fueled from a private source if the alternative fuels
- 1999 tax levied under this article has not been paid on fuel used in the vehicle. If such a highway vehicle is
- 2000 not in operation by January 1 of any year, the license tax shall be reduced by one-twelfth for each
- 2001 complete month which shall have elapsed since the beginning of such year.
- 2002 § 58.1-2289. Disposition of tax revenue generally.
- 2003 A. Unless otherwise provided in this section, all taxes and fees, including civil penalties, collected by
- 2004 the Commissioner pursuant to this chapter, less a reasonable amount to be allocated for refunds, shall be
- 2005 promptly paid into the state treasury and shall constitute special funds within the Commonwealth
- 2006 Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for
- 2007 use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds
- 2008 shall accrue to these funds. Except as provided in § 33.1-23.03:1, no portion of the revenue derived
- 2009 from taxes collected pursuant to §§ 58.1-2217, 58.1-2249 or § 58.1-2701, and remaining after authorized
- 2010 refunds for nonhighway use of fuel, shall be used for any purpose other than the construction,
- 2011 reconstruction or maintenance of the roads and projects comprising the State Highway System, the
- 2012 Interstate System and the secondary system of state highways and expenditures directly and necessarily
- 2013 required for such purposes, including the retirement of revenue bonds.
- 2014 Revenues collected under this chapter may be also used for (i) contributions toward the construction,
- 2015 reconstruction or maintenance of streets in cities and towns of such sums as may be provided by law
- 2016 and (ii) expenditures for the operation and maintenance of the Department of Transportation, the
- 2017 Department of Rail and Public Transportation, the Department of Aviation, the Virginia Port Authority,
- 2018 and the Department of Motor Vehicles as may be provided by law.
- 2019 The Governor is hereby authorized to transfer out of such fund an amount necessary for the

2020 inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection
 2021 and analysis of gasoline for purity.

2022 B. ~~The~~ *Except as provided in subsection F, the tax collected on each gallon of aviation fuel sold and*
 2023 *delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state*
 2024 *treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed*
 2025 *upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the*
 2026 *administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance*
 2027 *and improvement of airports and landing fields to which the public now has or which it is proposed*
 2028 *shall have access, and for the promotion of aviation in the interest of operators and the public generally.*

2029 C. One-half cent of the tax collected on each gallon of fuel on which ~~the a~~ refund has been paid at
 2030 ~~the rate of seventeen cents per gallon, or in the case of diesel fuel, fifteen and one-half cents per gallon~~
 2031 ~~for gasoline, gasohol, diesel fuel, blended fuel, or alternative fuel,~~ for fuel consumed in tractors and
 2032 unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state
 2033 treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds
 2034 and defray the costs of the research and educational phases of the agricultural program, including
 2035 supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University,
 2036 the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research
 2037 Station, including reasonable expenses of the Virginia Agricultural Council.

2038 D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial
 2039 watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of
 2040 the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the
 2041 purposes provided generally in subsection C of § 29.1-701, including acquisition, construction,
 2042 improvement and maintenance of public boating access areas on the public waters of this
 2043 Commonwealth and for other activities and purposes of direct benefit and interest to the boating public
 2044 and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial
 2045 fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be
 2046 used for the construction, repair, improvement and maintenance of the public docks of this
 2047 Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction,
 2048 improvement and maintenance of the public docks shall be made according to a plan developed by the
 2049 Virginia Marine Resources Commission.

2050 From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for
 2051 the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury
 2052 for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the
 2053 State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public
 2054 docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters,
 2055 (iii) make environmental improvements including, without limitation, fisheries management and habitat
 2056 enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.1-223,
 2057 a sum as established by the General Assembly.

2058 E. Notwithstanding other provisions of this section, there shall be transferred from moneys collected
 2059 pursuant to this section to a special fund within the Commonwealth Transportation Fund in the state
 2060 treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles, an amount
 2061 equal to one percent of a sum to be calculated as follows: the tax revenues collected pursuant to this
 2062 chapter, at the tax rates in effect on December 31, 1986, less refunds authorized by this chapter and less
 2063 taxes collected for aviation fuels.

2064 F. *The additional revenues, less any additional refunds authorized, generated by increases in the*
 2065 *rates of taxes under this chapter pursuant to enactments of the 2007 Session of the General Assembly*
 2066 *shall be collected pursuant to Article 4 of this chapter and deposited into the Highway Maintenance and*
 2067 *Operating Fund.*

2068 § 58.1-2402.1. *Local rental car transportation fee.*

2069 A. *In addition to all other taxes, fees, and other charges imposed under law, the Hampton Roads*
 2070 *Transportation Authority established pursuant to § 33.1-391.7 and the Northern Virginia Transportation*
 2071 *Authority established pursuant to § 15.2-4830, may impose a fee of 2% of the gross proceeds on the*
 2072 *daily rental of a vehicle in any county or city embraced by the respective Authority wherein the daily*
 2073 *rental of the vehicle occurs, regardless of whether such vehicle is required to be licensed in the*
 2074 *Commonwealth. The fee shall not be levied upon a rental to a person for re-rental as an established*
 2075 *business or part of an established business or incidental or germane to such business.*

2076 B. *After subtraction of the direct costs of administration by the Department, the Commissioner shall*
 2077 *transfer the revenues collected pursuant to this section to the Hampton Roads Transportation Authority*
 2078 *and the Northern Virginia Transportation Authority, as appropriate.*

2079 C. *Any and all fees imposed pursuant to this section shall be collected by the Department of Motor*
 2080 *Vehicles. The Commissioner shall maintain records of the fee imposed and collected by locality.*

2081 D. *The fee imposed pursuant to the authority granted under this section shall be implemented,*

2082 *enforced, and collected in the same manner that rental taxes under this chapter are implemented,*
 2083 *enforced, and collected.*

2084 § 58.1-2403. Exemptions.

2085 No tax shall be imposed as provided in § 58.1-2402 *or 58.1-2402.1* if the vehicle is:

2086 1. Sold to, rented or used by the United States government or any governmental agency thereof;

2087 2. Sold to, rented or used by the Commonwealth of Virginia or any political subdivision thereof;

2088 3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;

2089 4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any
 2090 other recognized Indian tribe of the Commonwealth living on the tribal reservation;

2091 5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the
 2092 lienholder;

2093 6. A manufactured home permanently attached to real estate and included in the sale of real estate;

2094 7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse,
 2095 this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the
 2096 transfer;

2097 8. Transferred from an individual or partnership to a corporation or limited liability company or from
 2098 a corporation or limited liability company to an individual or partnership if the transfer is incidental to
 2099 the formation, organization or dissolution of a corporation or limited liability company in which the
 2100 individual or partnership holds the majority interest;

2101 9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent
 2102 corporation to a wholly owned subsidiary;

2103 10. Being registered for the first time in this Commonwealth and the applicant holds a valid,
 2104 assignable title or registration issued to him by another state or a branch of the United States Armed
 2105 Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less
 2106 than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has
 2107 been purchased by the applicant within the last 12 months and the applicant is unable to provide
 2108 evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the
 2109 fair market value of the vehicle at the time of registration in Virginia;

2110 11. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale;

2111 12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban
 2112 bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles,
 2113 one way, on the same day;

2114 13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole
 2115 purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than
 2116 Virginia;

2117 14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for
 2118 the use of a church conducted not for profit;

2119 15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the
 2120 instruction of driver's education when such education is a part of such school's curriculum for full-time
 2121 students;

2122 16. Sold to an insurance company or local government group self-insurance pool, created pursuant to
 2123 § 15.2-2703, for the sole purpose of disposition when such company has paid the registered owner of
 2124 such vehicle a total loss claim;

2125 17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of
 2126 foreign governments, their employees or agents, and members of their families, if such persons are
 2127 nationals of the state by which they are appointed and are not citizens of the United States;

2128 18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a
 2129 nonprofit hospital or a cooperative hospital service organization as described in § 501 (e) of the United
 2130 States Internal Revenue Code;

2131 19. A motor vehicle having seats for more than seven passengers and sold to a restricted common
 2132 carrier or common carrier of passengers;

2133 20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic
 2134 or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital
 2135 service organization as described in § 501 (e) of the United States Internal Revenue Code, or a nonprofit
 2136 corporation as defined in § 501 (c) (3) of the Internal Revenue Code, established for research in,
 2137 diagnosis of, or therapy for human ailments;

2138 21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501 (c)
 2139 (3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such
 2140 organization;

2141 22. A motor vehicle sold to an organization which is exempt from taxation under § 501 (c) (3) of the
 2142 Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing,

HOUSE

SUBSTITUTE

HB3202H4

2143 medicines and other necessities of life to, and providing shelter for, needy persons in the United States
2144 and throughout the world;

2145 23. A truck, tractor truck, trailer, or semitrailer, as severally defined in § 46.2-100, except trailers and
2146 semitrailers not designed or used to carry property and vehicles registered under § 46.2-700, with a gross
2147 vehicle weight rating or gross combination weight rating of 26,001 pounds or more, in which case no
2148 tax shall be imposed pursuant to subdivisions 1 and 3 of subsection A of § 58.1-2402;

2149 24. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a
2150 Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of
2151 whether other beneficiaries of the trust may also be named in the trust instrument, when no
2152 consideration has passed between the titleholder and the beneficiaries; and transferred to the original
2153 titleholder from the trustees holding title to the motor vehicle;

2154 25. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the
2155 beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be
2156 named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust
2157 following the death of the grantor, when no consideration has passed between the grantor and the
2158 beneficiaries in either case;

2159 26. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if
2160 the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with
2161 respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of
2162 the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has
2163 been paid to the Commonwealth by the lessee purchasing the vehicle; or

2164 27. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will,
2165 of such deceased person.

2166 § 58.1-2425. Disposition of revenues.

2167 A. ~~All~~ Except as provided in § 58.1-2402.1 funds collected hereunder by the Commissioner shall be
2168 forthwith paid into the state treasury. Except as otherwise provided in § 58.1-2402.1 and in this section,
2169 these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances
2170 remaining in these funds at the end of the year shall be available for use in subsequent years for the
2171 purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds.
2172 The revenue so derived, after refunds have been deducted, is hereby allocated for the construction,
2173 reconstruction and maintenance of highways and the regulation of traffic thereon and for no other
2174 purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured
2175 homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such
2176 manufactured home is to be situated as a dwelling; (ii) all funds collected from the additional tax
2177 imposed by subdivision A 4 of § 58.1-2402 on the rental of daily rental vehicles shall be distributed
2178 quarterly to the city, town, or county wherein such vehicle was delivered to the rentee; (iii) effective
2179 January 1, 1987, an amount equivalent to the net additional revenues generated by enactments of the
2180 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697,
2181 58.1-2401, 58.1-2402 and this section shall be distributed to and paid into the Transportation Trust
2182 Fund, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the
2183 Commonwealth Transportation Board for transportation needs; (iv) except as otherwise provided in
2184 clause (iii) of this sentence, all moneys collected from the tax on the gross proceeds from the rental in
2185 Virginia of any motor vehicle pursuant to subdivision A 3 of § 58.1-2402 at the tax rate in effect on
2186 December 31, 1986, shall be paid by the Commissioner into the state treasury and shall be paid into the
2187 Rail Enhancement Fund established by § 33.1-221.1:1.1; and (v) all additional revenues resulting from
2188 the fee imposed under subdivision A 5 of § 58.1-2402 as enacted by the 2004 Session of the General
2189 Assembly shall be used to pay the debt service on the bonds issued by the Virginia Public Building
2190 Authority for the Statewide Agencies Radio System (STARS) for the Department of State Police
2191 pursuant to the authority granted by the 2004 Session of the General Assembly.

2192 B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation
2193 Trust Fund pursuant to clause (iii) of subsection A of this section, an aggregate of 4.2 percent shall be
2194 set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the
2195 Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7
2196 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit
2197 Fund.

2198 § 58.1-2531. Distribution of certain revenue.

2199 A. Beginning with the Commonwealth's fiscal year beginning on July 1, 2008 and for each fiscal
2200 year thereafter, an amount equal to one-third of all revenues collected by the Commission in the most
2201 recently ended fiscal year from the tax imposed under this chapter, less one-third of the total amount of
2202 such tax refunded in the most recently ended fiscal year, shall be deposited by the Comptroller to the
2203 Priority Transportation Fund established under § 33.1-23.03:8.

2204 B. For purposes of the Comptroller's deposits under this section, the Commissioner of the Bureau of

2205 *Insurance shall, no later than July 15 of each year, provide a written certification to the Comptroller*
 2206 *that reports the amount to be deposited pursuant to subsection A. After the required amount has been*
 2207 *deposited as provided in subsection A, all remaining revenues from the tax imposed under this chapter*
 2208 *shall be deposited into the general fund of the state treasury. The Comptroller shall make all deposits*
 2209 *under this section as soon as practicable.*

2210 § 58.1-2701. Amount of tax.

2211 A. Except as provided in subsection B, every motor carrier shall pay a road tax equivalent to
 2212 ~~nineteen and one-half~~ *twenty-one* cents per gallon calculated on the amount of motor fuel, diesel fuel or
 2213 liquefied gases (which would not exist as liquids at a temperature of sixty degrees Fahrenheit and a
 2214 pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.

2215 The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed
 2216 on a motor carrier by any other provision of law.

2217 B. In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles
 2218 that are not registered under the International Registration Plan shall pay a fee of ~~\$100~~ *\$150* per year
 2219 for each qualified highway vehicle. The fee is due and payable when the vehicle registration fees are
 2220 paid pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.

2221 If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due
 2222 at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration
 2223 expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the
 2224 registration fee paid is authorized by law.

2225 C. All taxes and fees paid under the provisions of this chapter shall be credited to the Highway
 2226 Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

2227 § 58.1-2706. Credit for payment of motor fuel, diesel fuel or liquefied gases tax.

2228 A. Every motor carrier subject to the road tax shall be entitled to a credit on such tax equivalent to
 2229 ~~sixteen~~ *seventeen and one-half* cents per gallon on all motor fuel, diesel fuel and liquefied gases
 2230 purchased by such carrier within the Commonwealth for use in its operations either within or without
 2231 the Commonwealth and upon which the motor fuel, diesel fuel or liquefied gases tax imposed by the
 2232 laws of the Commonwealth has been paid by such carrier. Evidence of the payment of such tax in such
 2233 form as may be required by, or is satisfactory to, the Department shall be furnished by each carrier
 2234 claiming the credit herein allowed.

2235 B. When the amount of the credit to which any motor carrier is entitled for any quarter exceeds the
 2236 amount of the tax for which such carrier is liable for the same quarter, the excess may: (i) be allowed as
 2237 a credit on the tax for which such carrier would be otherwise liable for any of the eight succeeding
 2238 quarters or (ii) be refunded, upon application, duly verified and presented and supported by such
 2239 evidence as may be satisfactory to the Department.

2240 C. The Department may allow a refund upon receipt of proper application and review. It shall be at
 2241 the discretion of the Department to determine whether an audit is required.

2242 D. The refund may be allowed without a formal hearing if the amount of refund is agreed to by the
 2243 applicant. Otherwise, a formal hearing on the application shall be held by the Department after notice of
 2244 not less than ten days to the applicant and the Attorney General.

2245 E. Whenever any refund is ordered it shall be paid out of the Highway Maintenance and
 2246 Construction Fund.

2247 F. Whenever a person operating under lease to a motor carrier to perform transport services on
 2248 behalf of the carrier purchases motor fuel, diesel fuel or liquefied gases relating to such services, such
 2249 payments or purchases may, at the discretion of the Department, be considered payment or purchases by
 2250 the carrier.

2251 § 58.1-3221.2. *Classification of certain commercial and industrial real property and taxation of such*
 2252 *property by certain localities included in the Northern Virginia Transportation Authority and the*
 2253 *Hampton Roads Transportation Authority.*

2254 A. *Beginning January 1, 2008, and solely for the purposes of imposing the tax authorized pursuant*
 2255 *to this section, in the counties and cities that are embraced by the Northern Virginia Transportation*
 2256 *Authority and the Hampton Roads Transportation Authority, all real property used for or zoned to*
 2257 *permit commercial or industrial uses is hereby declared to be a separate class of real property for local*
 2258 *taxation. Such classification of real property shall exclude all residential uses and all multifamily*
 2259 *residential uses, including but not limited to single family residential units, cooperatives, condominiums,*
 2260 *townhouses, apartments, or homes in a subdivision when leased on a unit by unit basis even though*
 2261 *these units may be part of a larger building or parcel of real estate containing more than four*
 2262 *residential units.*

2263 B. *In addition to all other taxes and fees permitted by law, (i) the governing body of any locality*
 2264 *embraced by the Northern Virginia Transportation Authority may, by ordinance, annually impose on all*
 2265 *real property in the locality specially classified in subsection A: an amount of real property tax, in*

2266 addition to such amount otherwise authorized by law, at a rate not to exceed \$0.25 per \$100 of
2267 assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all
2268 real property used for or zoned to permit commercial or industrial uses; and (ii) the governing body of
2269 any locality embraced by the Hampton Roads Transportation Authority may, by ordinance, annually
2270 impose on all real property in the locality specially classified in subsection A: an amount of real
2271 property tax, in addition to such amount otherwise authorized by law, at a rate not to exceed \$0.10 per
2272 \$100 of assessed value as the governing body may, by ordinance, impose upon the annual assessed
2273 value of all real property used for or zoned to permit commercial or industrial uses. The authority
2274 granted in this subsection shall be subject to the following conditions:

2275 (1) Upon appropriation, all revenues generated from the additional real property tax imposed shall
2276 be used exclusively for transportation purposes that benefit the locality imposing the tax; and

2277 (2) The additional real property tax imposed shall be levied, administered, enforced, and collected
2278 in the same manner as set forth in Subtitle III of Title 58.1 for the levy, administration, enforcement,
2279 and collection of local taxes. In addition, the local assessor shall separately assess and set forth upon
2280 the locality's land book the fair market value of that portion of property that is defined as a separate
2281 class of real property for local taxation in accordance with the provisions of this section.

2282 C. Beginning January 1, 2008, in lieu of the authority set forth in subsections A and B above and
2283 solely for the purposes of imposing the tax authorized pursuant to this section, in the counties and cities
2284 embraced by the Northern Virginia Transportation Authority and the Hampton Roads Transportation
2285 Authority, all real property used for or zoned to permit commercial or industrial uses is hereby declared
2286 to be a separate class of real property for local taxation. Such classification of real property shall
2287 exclude all residential uses and all multifamily residential uses, including but not limited to single family
2288 residential units, cooperatives, condominiums, townhouses, apartments, or homes in a subdivision when
2289 leased on a unit by unit basis even though these units may be part of a larger building or parcel of real
2290 estate containing more than four residential units.

2291 D. In addition to all other taxes and fees permitted by law, (i) the governing body of any locality
2292 embraced by the Northern Virginia Transportation Authority may, by ordinance, create within its
2293 boundaries, one or more special regional transportation tax districts and, thereafter, may, by ordinance,
2294 impose upon the real property located in special regional transportation tax districts specially classified
2295 in subsection C within such special regional transportation tax districts: an amount of real property tax,
2296 in addition to such amounts otherwise authorized by law, at a rate not to exceed \$0.25 per \$100 of
2297 assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all
2298 real property used for or zoned to permit commercial or industrial uses; and, (ii) the governing body of
2299 any locality embraced by the Hampton Roads Transportation Authority may, by ordinance, create within
2300 its boundaries, one or more special regional transportation tax districts and, thereafter, may, by
2301 ordinance, impose upon the real property specially classified in subsection C within such special
2302 regional transportation tax districts: an amount of real property tax, in addition to such amounts
2303 otherwise authorized by law, at a rate not to exceed \$0.10 per \$100 of assessed value as the governing
2304 body may, by ordinance, impose upon the annual assessed value of all real property used for or zoned
2305 to permit commercial or industrial uses. The authority granted in this subsection shall be subject to the
2306 following conditions:

2307 (1) Notwithstanding any other provisions of law to the contrary, upon appropriation, all revenues
2308 generated from the additional real property taxes imposed in accordance with subsection C and this
2309 subsection shall be used for transportation purposes that benefit the special regional transportation tax
2310 district to which such revenue is attributable;

2311 (2) Any local ordinance adopted in accordance with the provisions of subsection C and this
2312 subsection shall include the requirement that the additional real property taxes so authorized are to be
2313 imposed annually in accordance with applicable law;

2314 (3) Any locality that imposes the additional real property taxes set forth in subsections A and B
2315 shall not be permitted to also impose the additional real property taxes set forth in subsection C and
2316 this subsection. In addition, any locality electing to impose the additional real property taxes on all
2317 real property located in such locality that is specially classified in subsections A and B must do so in
2318 the manner prescribed in subsections A and B and not by creation of a special transportation tax
2319 district as set forth in subsection C and this subsection. The creation of such special regional
2320 transportation tax districts shall not, however, affect the authority of a locality to establish tax districts
2321 pursuant to other provisions of law;

2322 (4) The total revenues generated from the additional real property taxes imposed in accordance with
2323 subsection C and this subsection shall not be less than 85% of the revenues estimated to be generated
2324 when imposing the additional real property taxes in accordance with subsections A and B at the rate of
2325 \$0.25 per \$100 of assessed value in any locality embraced by the Northern Virginia Transportation
2326 Authority and at the rate of \$0.10 per \$100 of assessed value in any locality embraced by the Hampton
2327 Roads Transportation Authority; and

2328 (5) *The additional real property taxes imposed pursuant to subsection C and this subsection shall be*
 2329 *levied, administered, enforced, and collected, in the same manner as set forth in Subtitle III of Title 58.1*
 2330 *for the levy, administration, enforcement, and collection of all local taxes. In addition, the local*
 2331 *assessor shall separately assess and set forth upon the locality's land book the fair market value of that*
 2332 *portion of property that is defined as separate class of real property for local taxation in accordance*
 2333 *with the provisions of this section.*

2334 § 58.1-3825.1. *Additional transient occupancy tax in certain counties and cities in Northern Virginia.*
 2335 *In addition to such transient occupancy taxes as are authorized by this chapter, the Northern*
 2336 *Virginia Transportation Authority established under § 15.2-4830 may impose an additional transient*
 2337 *occupancy tax at the rate of 2 percent of the amount of charge for the occupancy of any room or space*
 2338 *occupied provided that such room or space is located within a county or city embraced by the*
 2339 *Authority. Such revenues shall be used according to the provisions of § 15.2-4838.1.*

2340 **2. That the Commonwealth Transportation Board is authorized to issue bonds to fund**
 2341 **transportation projects throughout the Commonwealth as follows:**

2342 § 1. *Title. This act shall be known and may be cited as the "Commonwealth Transportation Capital*
 2343 *Projects Bond Act of 2007."*

2344 § 2. *The Commonwealth Transportation Board is hereby authorized, by and with the consent of the*
 2345 *Governor, to issue, pursuant to the provisions of the State Revenue Bond Act (§ 33.1-267 et seq. of the*
 2346 *Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be*
 2347 *designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series" at*
 2348 *one or more times in an aggregate principal amount not to exceed \$3,000,000,000, after all costs;*
 2349 *provided that the aggregate principal amount issued in any one fiscal year shall not exceed*
 2350 *\$300,000,000, excluding any refunding bonds. If, the aggregate principal amount issued in any fiscal*
 2351 *year is less than \$300,000,000, then the amount by which such issuance is less than \$300,000,000 may*
 2352 *be issued in any subsequent fiscal year in addition to the \$300,000,000 authorized in the subsequent*
 2353 *fiscal year. The issuance of any bonds under this Act is subject to the provisions of subsection C of*
 2354 *§ 33.1-23.03:8 of the Code of Virginia.*

2355 § 3. *The net proceeds of the Bonds shall be used exclusively for the purpose of providing funds for*
 2356 *paying the costs incurred or to be incurred for construction or funding of transportation projects*
 2357 *pursuant to § 33.1-23.4:01 of the Code of Virginia, including but not limited to environmental and*
 2358 *engineering studies, rights-of-way acquisition, improvements to all modes of transportation, acquisition,*
 2359 *construction and related improvements, and any financing costs and other financing expenses. Such*
 2360 *costs may include the payment of interest on the Bonds for a period during construction and not*
 2361 *exceeding one year after completion of construction of the projects.*

2362 § 4. *The proceeds of the Bonds, including any premium received on the sale thereof, shall be made*
 2363 *available by the Commonwealth Transportation Board to pay costs of the projects and, where*
 2364 *appropriate, may be paid to any authority, locality, commission, or other entity for the purposes of*
 2365 *paying for costs of the projects. The proceeds of the Bonds may be used together with any federal,*
 2366 *local, or private funds that may be made available for such purpose. The proceeds of the Bonds,*
 2367 *together with any investment earnings thereon, may, at the discretion of the Commonwealth*
 2368 *Transportation Board, secure the payment of principal or purchase price of and redemption premium, if*
 2369 *any, and interest on the Bonds.*

2370 § 5. *The terms and structure of each issue of the Bonds shall be determined by the Commonwealth*
 2371 *Transportation Board, subject to approval by the Treasury Board in accordance with § 2.2-2416 of the*
 2372 *Code of Virginia, as amended. The Bonds of each issue shall be dated; shall be issued in a principal*
 2373 *amount (subject to the limitations set forth in § 2 and in subsection C of § 33.1-23.03:8 of the Code of*
 2374 *Virginia); shall bear interest at such rate or rates, which may be fixed, adjustable, variable or a*
 2375 *combination thereof and may be determined by a formula or other method; shall mature at such time or*
 2376 *times not exceeding 25 years from their date or dates; and may be made subject to purchase or*
 2377 *redemption before their maturity or maturities, at such price or prices and under such terms and*
 2378 *conditions, all as may be determined by the Commonwealth Transportation Board. The Commonwealth*
 2379 *Transportation Board shall determine the form of the Bonds, whether the Bonds are certificated or*
 2380 *uncertificated, and fix the authorized denomination or denominations of the Bonds and the place or*
 2381 *places of payment of principal or purchase price of, and redemption premium, if any, and interest on*
 2382 *the Bonds, which may be at the office of the State Treasurer or any bank or trust company within or*
 2383 *without the Commonwealth. The principal or purchase price of, and redemption premium, if any, and*
 2384 *interest on the Bonds shall be made payable in lawful money of the United States of America. Each*
 2385 *issue of the Bonds may be issued under a system of book entry for recording the ownership and transfer*
 2386 *of ownership of rights to receive payments of principal or purchase price of and redemption premium, if*
 2387 *any, and interest on such Bonds. All Bonds shall have and are hereby declared to have, as between*
 2388 *successive holders, all of the qualities and incidents of negotiable instruments under the negotiable*

2389 *instruments law of the Commonwealth.*

2390 *The Commonwealth Transportation Board may sell the Bonds from time to time at public or private*
2391 *sale, by competitive bidding, negotiated sale, or private placement, for such price or prices as it may*
2392 *determine to be in the best interests of the Commonwealth.*

2393 *§ 6. The Bonds shall be signed on behalf of the Commonwealth Transportation Board by the*
2394 *chairman or vice-chairman of the Commonwealth Transportation Board, or shall bear the facsimile*
2395 *signature of such officer, and shall bear the official seal of the Board, which shall be attested to by the*
2396 *manual or facsimile signature of the secretary or assistant secretary of the Commonwealth*
2397 *Transportation Board. In the event that the Bonds shall bear the facsimile signature of the chairman or*
2398 *vice-chairman of the Commonwealth Transportation Board, such Bonds shall be signed by such*
2399 *administrative assistant as the chairman of the Transportation Board shall determine or by any*
2400 *registrar/paying agent who may be designated by the Commonwealth Transportation Board. In case any*
2401 *officer whose signature or a facsimile of whose signature appears on any Bonds shall cease to be such*
2402 *officer before the delivery of such Bonds, such signature or facsimile signature nevertheless shall be*
2403 *valid and sufficient for all purposes as if such officer had remained in office until such delivery.*

2404 *§ 7. All expenses incurred under this Act or in connection with the issuance of the Bonds shall be*
2405 *paid from the proceeds of such Bonds or from any available funds as the Commonwealth Transportation*
2406 *Board shall determine.*

2407 *§ 8. The Commonwealth Transportation Board is hereby authorized to borrow money at such rate or*
2408 *rates through the execution and issuance of the Bonds for the same, but only in the following*
2409 *circumstances and under the following conditions:*

2410 *a. In anticipation of the sale of the Bonds, the issuance of which shall have been authorized by the*
2411 *Commonwealth Transportation Board and shall have been approved by the Governor, if the*
2412 *Commonwealth Transportation Board shall deem it advisable to postpone the issuance of such Bonds;*
2413 *or*

2414 *b. For the renewal of any anticipation notes herein authorized.*

2415 *§ 9. The proceeds of the Bonds and of any anticipation notes herein authorized (except the proceeds*
2416 *of the Bonds the issuance of which has been anticipated by such anticipation notes) shall be placed by*
2417 *the State Treasurer in a special fund in the state treasury, or may be placed with a trustee in*
2418 *accordance with § 33.1-283 of the Code of Virginia, as amended, and shall be disbursed only for the*
2419 *purpose for which such Bonds and such anticipation notes shall be issued; provided, however, that*
2420 *proceeds derived from the sale of the Bonds herein authorized shall be first used in the payment of any*
2421 *anticipation notes that may have been issued in anticipation of the sale of such Bonds and any renewals*
2422 *of such Bonds. The proceeds of the Bonds and of any anticipation notes herein authorized, together with*
2423 *any investment earnings thereon, shall not be taken into account in computing, and shall be in addition*
2424 *to funds allocated pursuant to the highway allocation formula set forth in § 33.1-23.1 of the Code of*
2425 *Virginia, as amended.*

2426 *§ 10. The Commonwealth Transportation Board is hereby authorized to receive any other funds that*
2427 *may be made available to pay costs of the projects and, subject to appropriation, to make available the*
2428 *same to the payment of the principal or purchase price of, and redemption premium, if any, and interest*
2429 *on the Bonds authorized hereby and to enter into the appropriate agreements to allow for those funds to*
2430 *be paid into the state treasury, or to a trustee in accordance with § 33.1-283 of the Code of Virginia, as*
2431 *amended, to pay a part of the costs of the projects or to pay principal or purchase price of, and*
2432 *redemption premium, if any, and interest on the Bonds.*

2433 *§ 11. The Commonwealth Transportation Board, in connection with the issuance of the Bonds, shall*
2434 *establish a fund in accordance with § 33.1-286 of the Code of Virginia, as amended, either in the state*
2435 *treasury or with a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended, which*
2436 *shall secure and be used for the payment of the Bonds to the credit of which there shall be deposited*
2437 *such amounts, appropriated therefor by the General Assembly, as are required to pay principal or*
2438 *purchase price of, and redemption premium, if any, and interest on the Bonds, as and when due and*
2439 *payable, (i) from the revenues deposited into the Priority Transportation Fund pursuant to*
2440 *§ 33.1-23.03:8; (ii) to the extent required, from revenues legally available from the Transportation Trust*
2441 *Fund; and (iii) to the extent required, from any legally available funds.*

2442 *§ 12. Bond proceeds and moneys in any reserve funds and sinking funds in respect of the Bonds*
2443 *shall be invested by the State Treasurer in accordance with the provisions of general law relating to the*
2444 *investment of such funds belonging to or in the control of the Commonwealth, or by a trustee in*
2445 *accordance with § 33.1-283 of the Code of Virginia, as amended.*

2446 *§ 13. The interest income from and any profit made on the sale of the obligations issued under the*
2447 *provisions of this Act shall at all times be free and exempt from taxation by the Commonwealth and by*
2448 *any municipality, county, or other political subdivision thereof.*

2449 *§ 14. All obligations issued under the provisions of this Act are hereby made securities in which all*
2450 *persons and entities listed in § 33.1-280 of the Code of Virginia, as amended, may properly and legally*

2451 *invest funds under their control.*

2452 3. That the revenues generated by the provisions of this act shall not be used to calculate or
2453 reduce the share of local, federal, and state revenues otherwise available to participating
2454 jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or
2455 formula for, a locality's ability to pay for public education, upon which appropriations of state
2456 revenues to local governments for public education are determined.

2457 4. That prior to December 1 each year beginning 2008, the Washington Metropolitan Transit
2458 Authority shall submit to the Auditor of Public Accounts its annual audit report and financially
2459 audited statements for the most recent fiscal year.

2460 5. That the Hampton Roads Transportation Authority established under § 33.1-391.7 of the Code
2461 of Virginia shall develop as part of a long-range plan quantifiable measures and achievable goals
2462 for the area embraced by the Authority relating to, but not limited to, congestion reduction and
2463 safety, transit and high-occupancy vehicle (HOV) usage, job-to-housing ratios, job and housing
2464 access to transit and pedestrian facilities, air quality, and per-capita vehicle miles traveled. In
2465 addition, the Northern Virginia Transportation Authority established under § 15.2-4830 of the
2466 Code of Virginia shall also develop as part of a long-range plan quantifiable measures and
2467 achievable goals for the area embraced by the Authority relating to, but not limited to, congestion
2468 reduction and safety, transit and high-occupancy vehicle (HOV) usage, job-to-housing ratios, job
2469 and housing access to transit and pedestrian facilities, air quality, and per-capita vehicle miles
2470 traveled. Such goals shall be subject to the approval of the Commonwealth Transportation Board
2471 on a biennial basis.

2472 6. That the fees and taxes authorized by this Act for imposition or assessment by the Hampton
2473 Roads Transportation Authority shall only be imposed or assessed by the Authority if (i) at least
2474 seven of the twelve governing bodies of the counties and cities embraced by the Authority (but
2475 excluding the governing body of the County of Accomack and the governing body of the County
2476 of Northampton) that include at least fifty-one percent of the population of the counties and cities
2477 embraced by the Authority (but excluding the populations of the Counties of Accomack and
2478 Northampton) pass a duly adopted resolution stating its approval of such power of the Authority
2479 no later than December 31, 2007, and then (ii) at least seven of the twelve voting members of the
2480 Authority (but excluding voting members representing the Counties of Accomack and
2481 Northampton), that include at least fifty-one percent of the population of the counties and cities
2482 embraced by the Authority vote in the affirmative to impose or assess all of the fees and taxes
2483 authorized under this Act for imposition and assessment by the Authority in all of the counties
2484 and cities embraced by the Authority. For purposes of this enactment, "population" means the
2485 population as determined by the most recently preceding United States decennial census or the
2486 most recent population estimates of the Weldon Cooper Center for Public Service of the University
2487 of Virginia, whichever is most recent.

2488 Such governing bodies in clause (i) shall provide a copy of the resolution to the Clerks of the
2489 House of Delegates and the Senate as soon as practicable. The Authority shall provide written
2490 notice of an affirmative vote pursuant to clause (ii) to the Clerks of the House of Delegates and
2491 the Senate as soon as practicable. Upon receiving any such resolution or written notice, the Clerks
2492 shall provide a copy to the Governor.

2493 In addition, if such fees or taxes are imposed or assessed, such fees and taxes shall not apply to
2494 the Counties of Accomack and Northampton until such time as the Chesapeake Bay Bridge-Tunnel
2495 facilities become subject to the control of the Hampton Roads Transportation Authority as
2496 provided in § 33.1-391.12 of the Code of Virginia.

2497 7. That the Virginia Department of Transportation, with the advice and consent of the
2498 Commonwealth Transportation Board, shall, on or before January 1, 2009, submit to the
2499 Governor and the General Assembly a plan to reassign the various highways, bridges, and other
2500 facilities comprising the state primary, secondary, and urban highways systems so that the
2501 assignment of components to such systems is based, to the maximum degree practicable, on the
2502 components' functional classification. Such plan shall include an analysis of the costs, benefits, and
2503 programmatic and other implications of such reassignment.

2504 8. That the Virginia Department of Transportation shall, on or before January 1, 2008, submit a
2505 written report to the General Assembly on its plans to create opportunities to enhance mobility
2506 and free-flowing traffic on Department-controlled toll facilities by embracing technological
2507 advances.

2508 9. That the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly of
2509 2000 are repealed effective July 1, 2007.

2510 10. That counties shall have until July 1, 2011, to amend their comprehensive plans in accordance
2511 with the provisions of § 15.2-2223.1 of the Code of Virginia pursuant to this act.

HOUSE

SUBSTITUTE

HB3202H4

- 2512 11. That the fees collected pursuant to § 46.2-206.1 in the fiscal year ending June 30, 2008, shall
2513 be deposited and held in a special fund in the state treasury and transferred on August 15, 2008,
2514 to the Highway Maintenance and Operating Fund.
- 2515 12. That in conjunction with the construction of rail mass transit in the right of way of the Dulles
2516 Access/Toll Road Connector (DATRC), sound walls shall be constructed along residential
2517 properties from the beginning of the DATRC to Dulles International Airport if required by the
2518 issued Record of Decisions pursuant to the National Environmental Policy Act (42 U.S.C. § 4321 et
2519 seq., as may be amended).
- 2520 13. That the Northern Virginia Transportation Authority established under § 15.2-4830 of the
2521 Code of Virginia shall provide written notice to the Clerks of the House of Delegates and the
2522 Senate of any affirmative vote of the Authority to assess or impose any fee or tax authorized
2523 under this act for imposition or assessment by the Authority. The Authority shall provide such
2524 notice as soon as practicable. Upon receiving such written notice, the Clerks shall provide a copy
2525 of the same to the Governor. Furthermore, the Authority, the cities and counties embraced by the
2526 Authority, the Commissioner of the Department of Taxation, the Commissioner of the Department
2527 of Motor Vehicles, and other appropriate entities shall develop guidelines, policies, and procedures
2528 for the efficient and effective collection and administration of the fees and taxes authorized by this
2529 act for use by the Authority. The guidelines, policies, and procedures shall be made public at least
2530 sixty days prior to their implementation. The development of these guidelines, policies, and
2531 procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of
2532 Virginia). The Secretary of Finance may authorize an anticipation loan for purposes of meeting
2533 the requirements of this enactment.
- 2534 14. That the Hampton Roads Transportation Authority, the cities and counties embraced by the
2535 Authority, the Commissioner of the Department of Taxation, the Commissioner of the Department
2536 of Motor Vehicles, and other appropriate entities shall develop guidelines, policies, and procedures
2537 for the efficient and effective collection and administration of the fees and taxes authorized for use
2538 by the Authority. The guidelines, policies, and procedures shall be made public at least sixty days
2539 prior to their implementation. The development of the guidelines, policies, and procedures shall be
2540 exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). The
2541 Secretary of Finance may authorize an anticipation loan for purposes of meeting the requirements
2542 of this enactment.
- 2543 15. That the staff of the Hampton Roads Planning District Commission and the Virginia
2544 Department of Transportation shall work cooperatively to assist the proper formation and effective
2545 organization of the Hampton Roads Transportation Authority. Until such time as the Authority is
2546 fully established and functioning, the staff of the Hampton Roads Planning District Commission
2547 shall serve as its staff, and the Hampton Roads Planning District Commission shall provide the
2548 Authority with office space and administrative support. The Authority shall reimburse the
2549 Hampton Roads Planning District Commission for the cost of such staff, office space, and
2550 administrative support as appropriate.
- 2551 16. That, as provided under § 58.1-3221.2, the tax authorized thereunder may only be imposed by
2552 a city or county embraced by the Northern Virginia Transportation Authority established under
2553 § 15.2-4830, or a city or county embraced by the Hampton Roads Transportation Authority
2554 established under § 33.1-391.7.
- 2555 17. That the Department of Motor Vehicles shall work with the appropriate state agencies to
2556 develop guidelines, policies, and procedures for the efficient and effective collection and
2557 administration of the fees set forth under § 46.2-206.1 of the Code of Virginia. The guidelines,
2558 policies, and procedures shall be made public at least sixty days before their implementation. The
2559 development of the guidelines, policies, and procedures shall be exempt from the Administrative
2560 Process Act (§ 2.2-4000 et seq. of the Code of Virginia).
- 2561 18. That the tax authorized pursuant to § 58.1-540 of the Code of Virginia shall not be imposed by
2562 a city or county embraced by the Northern Virginia Transportation Authority if the Authority is
2563 imposing any of the fees or taxes authorized under law for imposition or assessment by the
2564 Authority.
- 2565 19. That the tax authorized pursuant to § 58.1-540 of the Code of Virginia shall not be imposed by
2566 a city or county embraced by the Hampton Roads Transportation Authority if the Authority is
2567 imposing any of the fees or taxes authorized under law for imposition or assessment by the
2568 Authority.
- 2569 20. That the Northern Virginia Transportation Authority and the counties and cities embraced by
2570 the Authority shall work cooperatively with the towns located within such counties for purposes of
2571 implementation of the provisions of this act.
- 2572 21. That the revenue generated by this act shall be used solely for transportation purposes.
- 2573 22. That the provisions of this act which generate additional revenue for the Transportation Trust

2574 Fund, established under § 33.1-23.03:1 of the Code of Virginia, or the Highway Maintenance and
2575 Operating Fund shall expire on December 31 of any year in which the General Assembly
2576 appropriates any of the revenues designated under general law to the Highway Maintenance and
2577 Operating Fund or the Transportation Trust Fund for any non-transportation related purpose.
2578 23. That should any portion of this act be held unconstitutional by a court of competent
2579 jurisdiction, the remaining portions of this act shall remain in effect.

**H
O
U
S
E**

**S
U
B
S
T
I
T
U
T
E**

HB3202H4