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SENATE BILL NO. 349

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact §§ 46.2-1158, 46.2-1158.01, and 46.2-1163 of the Code of Virginia, relating to vehicle inspections; new motor vehicles.

Patron—Reeves

Referred to Committee on Finance and Appropriations

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1158, 46.2-1158.01, and 46.2-1163 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1158. Frequency of inspection; scope of inspection.

Motor vehicles, trailers, and semitrailers required to be inspected pursuant to the provisions of § 46.2-1157 shall be reinspected within 12 months of the month of the first inspection, or for a new motor vehicle, within 36 months of the month of the first inspection or within such time as such new motor vehicle reaches a mileage of 36,000 miles, whichever is first, and at least once every 12 months thereafter.

Each inspection shall be a complete inspection. A reinspection of a rejected vehicle by the same station during the period of validity of the rejection sticker on such vehicle, however, need only include an inspection of the item or items previously found defective unless there is found an obvious defect that would warrant further rejection of the vehicle.

A rejection sticker shall be valid for 15 calendar days beyond the day of issuance, during which time the operator of the vehicle shall not be charged for a violation of vehicle equipment requirements set forth in Article 3 (§ 46.2-1010 et seq.) through Article 9 (§ 46.2-1066 et seq.) for such vehicle. A complete inspection shall be performed on any vehicle bearing an expired rejection sticker.

The completion of the conversion process for a converted electric vehicle shall invalidate any inspection of such vehicle conducted in accordance with this section prior to the conversion. Following the initial inspection of a converted electric vehicle, as required under § 46.2-602.3 and the provisions of this chapter, such vehicle shall be reinspected in accordance with this section.

§ 46.2-1158.01. Exceptions to motor vehicle inspection requirement.

A. The following shall be exempt from inspection as required by § 46.2-1157:

1. Four-wheel vehicles weighing less than 500 pounds and having less than 6 horsepower;
2. Boat, utility, or travel trailers that are not equipped with brakes;
3. Antique motor vehicles or antique trailers as defined in § 46.2-100 and licensed pursuant to § 46.2-730;
4. Any motor vehicle, trailer, or semitrailer that is outside the Commonwealth at the time its inspection expires when operated by the most direct route to the owner's or operator's place of residence or the owner's legal place of business in the Commonwealth;
5. A truck, tractor truck, trailer, or semitrailer for which the period fixed for inspection has expired while the vehicle was outside the Commonwealth (i) from a point outside the Commonwealth to the place where such vehicle is kept or garaged within the Commonwealth or (ii) to a destination within the Commonwealth where such vehicle will be (a) unloaded within 24 hours of entering the Commonwealth, (b) inspected within such 24-hour period, and (c) operated, after being unloaded, only to an inspection station or to the place where it is kept or garaged within the Commonwealth;

6. New motor vehicles, new trailers, or new semitrailers operated upon the highways of the Commonwealth for the purpose of delivery from the place of manufacture to the dealer's or distributor's designated place of business or between places of business if such manufacturer, dealer, or distributor has more than one place of business; dealers or distributors may take delivery and operate upon the highways of the Commonwealth new motor vehicles, new trailers, or new semitrailers from another dealer or distributor provided a motor vehicle, trailer, or semitrailer shall not be considered new if driven upon the highways for any purpose other than the delivery of the vehicle;

7. New motor vehicles, new trailers, or new semitrailers bearing a manufacturer's license operated for test purposes by the manufacturer;

8. Motor vehicles, trailers, or semitrailers operated for test purposes by a certified inspector during the performance of an official inspection;

9. New motor vehicles, new trailers, or new semitrailers operated upon the highways of the Commonwealth over the most direct route to a location for installation of a permanent body;

10. Motor vehicles, trailers, or semitrailers purchased outside the Commonwealth driven to the purchaser's place of residence or the dealer's or distributor's designated place of business;

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59 11. Prior to purchase from auto auctions, motor vehicles, trailers, or semitrailers operated upon the  
60 highways not to exceed a 10-mile radius of such auction by prospective purchasers only for the purpose of  
61 road testing and motor vehicles, trailers, or semitrailers purchased from auto auctions operated upon the  
62 highways from such auction to (i) an official safety inspection station provided that (a) the inspection station  
63 is located between the auto auction and the purchaser's residence or place of business or within a 10-mile  
64 radius of such residence or business and (b) the vehicle is taken to the inspection station on the same day the  
65 purchaser removes the vehicle from the auto auction or (ii) the purchaser's place of residence or business;

66 12. Motor vehicles, trailers, or semitrailers, after the expiration of a period fixed for the inspection thereof,  
67 (i) operated over the most direct route between the place where such vehicle is kept or garaged and an official  
68 inspection station or (ii) parked on a highway and that have been submitted for a motor vehicle safety  
69 inspection to an official inspection station, for the purpose of having the same inspected pursuant to a prior  
70 appointment with such station;

71 13. Any vehicle for transporting well-drilling machinery and mobile equipment as defined in § 46.2-700;

72 14. Motor vehicles being towed in a legal manner as exempted under § 46.2-1150;

73 15. Logtrailers as exempted under § 46.2-1159;

74 16. Motor vehicles designed or altered and used exclusively for racing or other exhibition purposes as  
75 exempted under § 46.2-1160;

76 17. Any tow dolly or converter gear as defined in § 46.2-1119;

77 18. A new motor vehicle, as defined in § 46.2-1500, that has been inspected in accordance with an  
78 inspection requirement of the manufacturer or distributor of the new motor vehicle by an employee who  
79 customarily performs such inspection on behalf of a motor vehicle dealer licensed pursuant to § 46.2-1508.  
80 Such inspection shall be deemed to be the first inspection for the purpose of § 46.2-1158, and an inspection  
81 approval sticker *designated for a first inspection that is* furnished by the Department of State Police at the  
82 uniform price paid by all official inspection stations to the Department of State Police for an inspection  
83 approval sticker may be affixed to the vehicle as required by § 46.2-1163;

84 19. Mopeds;

85 20. Low-speed vehicles;

86 21. Vehicles exempt from registration pursuant to Article 6 (§ 46.2-662 et seq.) of Chapter 6; and

87 22. Military surplus motor vehicles as defined in § 46.2-100 and licensed pursuant to § 46.2-730.1.

88 B. The following shall be exempt from inspection as required by § 46.2-1157, provided that (i) the  
89 commercial motor vehicle operates in interstate commerce; (ii) the commercial motor vehicle has been  
90 inspected in accordance with the federal requirements for annual inspection by complying with the periodic  
91 inspection requirements in 49 C.F.R. § 396.17; (iii) the inspection has been determined by the Federal Motor  
92 Carrier Safety Administration to be comparable to or as effective as the requirements of 49 C.F.R. § 396.3(a);  
93 and (iv) documentation of such determination as provided for in 49 C.F.R. § 396.3(b) is available for review  
94 by law-enforcement officials to verify that the inspection is current:

95 1. Any commercial motor vehicle operating in interstate commerce that is subject to the Federal Motor  
96 Carrier Safety Regulations;

97 2. Any trailer or semitrailer being operated in interstate commerce that is subject to the Federal Motor  
98 Carrier Safety Regulations.

99 **§ 46.2-1163. Official inspection stations; safety inspection approval stickers; actions of  
100 Superintendent subject to the Administrative Process Act.**

101 The Superintendent may designate, furnish instructions to, and supervise official inspection stations for  
102 the inspection of motor vehicles, trailers, and semitrailers and for adjusting and correcting equipment  
103 enumerated in this chapter in such a manner as to conform to specifications hereinbefore set forth. The  
104 Superintendent shall adopt and furnish to such official inspection stations regulations governing the making  
105 of inspections required by this chapter. The Superintendent may at any time, after five days' written notice,  
106 revoke the designation of any official inspection station designated by him.

107 If no defects are discovered or when the equipment has been corrected in accordance with this title, the  
108 official inspection station shall issue to the operator or owner of the vehicle, on forms furnished by the  
109 Department of State Police, a duplicate of which is retained by such station, a certificate showing the date of  
110 correction, registration number of the vehicle, and the official designation of such station. On or before  
111 December 1, 2010, any information an official inspection station is required to provide to the Department of  
112 State Police shall be accepted by the Department in electronic form. There also shall be placed on the  
113 windshield of the vehicle at a place to be designated by the Superintendent an approval sticker furnished by  
114 the Department of State Police. *For a new motor vehicle that has been approved at its first inspection  
115 pursuant to subdivision A 18 of § 46.2-1158.01 for purposes of § 46.2-1158, such approval sticker shall be of  
116 a type that designates such inspection to have been the first inspection and indicates that the next inspection  
117 shall only be required within 36 months of the month of such first inspection or within such time as such new  
118 motor vehicle reaches a mileage of 36,000 miles, whichever is first.* If any vehicle is not equipped with a  
119 windshield, the approval sticker shall be placed on the vehicle in a location designated by the Superintendent.

120 If the vehicle is a motorcycle, the approval sticker may, at the discretion of the motorcycle owner, be placed  
121 on a plate securely fastened to the motorcycle for the purpose of displaying the sticker or affixed to the  
122 motorcycle. The Superintendent shall designate the location on which such plate shall be fastened or such  
123 sticker shall be affixed to the motorcycle. This sticker shall be displayed on the windshield of such vehicle or  
124 at such other designated place upon the vehicle at all times when it is operated or parked on the highways in  
125 the Commonwealth and until such time as a new inspection period shall be designated and a new inspection  
126 sticker issued. Common carriers, operating under certificate from the State Corporation Commission or the  
127 Department of Motor Vehicles, who desire to do so may use with the approval of the Superintendent private  
128 inspection stations for the inspection and correction of their equipment.

129 The Superintendent shall provide motor vehicle safety inspection information upon the written request of  
130 an individual or corporate entity or such entity's agent. Any information provided shall not include personal  
131 information. The Superintendent may make a reasonable charge for furnishing information under this section  
132 but no fee shall be charged to any official of the Commonwealth, including court and police officials;  
133 officials of counties, cities, or towns; local government self-insurance pools; or the court, police, or licensing  
134 officials of other states or of the federal government, provided that the information requested is for official  
135 use and such officials do not charge the Commonwealth a fee for the provision of the same or substantially  
136 similar information. Vehicle information, including all descriptive vehicle data, submitted to or received from  
137 the Department of State Police related to such a request shall not be considered a public record for the  
138 purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The fees received by the  
139 Superintendent pursuant to this section shall be paid into the state treasury and shall be set aside as a special  
140 fund to be used to meet the expenses of the Department of State Police's motor vehicle safety inspection  
141 program.

142 Actions of the Superintendent relating to official inspection stations shall be governed by the provisions of  
143 the Administrative Process Act (§ 2.2-4000 et seq.).

144 **2. That the Department of State Police shall develop, create, and distribute an inspection approval**  
145 **sticker in accordance with the provisions of this act.**