

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 155

An Act to amend and reenact §§ 46.2-613.1, 46.2-613.3, 46.2-613.4, and 46.2-613.5 of the Code of Virginia, relating to motor carrier violations; authority of law-enforcement officers.

[H 498]

Approved April 6, 2026

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-613.1, 46.2-613.3, 46.2-613.4, and 46.2-613.5 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-613.1. Civil penalty for violation of license, registration, and tax requirements and vehicle size limitations.

A. A civil penalty of \$250 and a processing fee of \$20 shall be levied against any person who ~~while at a permanent weighing station:~~

1. Operates or permits the operation of a truck or tractor truck with a gross weight greater than 7,500 pounds, a trailer, or a semitrailer owned, leased, or otherwise controlled by him on any highway in the Commonwealth unless (i) it is registered, (ii) a certificate of title therefor has been issued, and (iii) it has displayed on it the license plate or plates and decal or decals required by this title.

2. Operates or causes to be operated on any highway in the Commonwealth any motor vehicle that is not in compliance with the Unified Carrier Registration System authorized under 49 U.S.C. § 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal regulations promulgated thereunder.

3. Operates or permits the operation of any truck or tractor truck for which the fee for registration is prescribed by § 46.2-697 on any highway in the Commonwealth (i) without first having paid the registration fee hereinabove prescribed or (ii) if at the time of operation the gross weight of the vehicle or of the combination of vehicles of which it is a part is in excess of the gross weight on the basis of which it is registered. In any case where a pickup truck is used in combination with another vehicle, the civil penalty and processing fee shall be assessed only if the combined gross weight exceeds the combined gross weight on the basis of which each vehicle is registered.

4. (i) Fails to declare a motor vehicle to be operated for hire when required by § 46.2-2121.1 or obtain a proper registration card or other evidence of registration as required by this chapter; (ii) operates or causes to be operated on any highway in the Commonwealth any motor vehicle that does not carry the proper registration and identification required by this title, display an identification marker issued for the vehicle by the Department in the manner prescribed by the Department, or display any other identifying information required by this title; or (iii) operates or causes to be operated on any highway in the Commonwealth any motor vehicle requiring registration cards or identification markers from the Department after such registration cards or identification markers have been revoked, canceled, or suspended.

5. (i) Fails to obtain a proper registration card, identification marker, or other evidence of registration required by Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 or the terms and provisions of the International Fuel Tax Agreement, as amended by the International Fuel Tax Association, Inc.; (ii) operates or causes to be operated on any highway in the Commonwealth any motor vehicle that does not carry the proper registration and identification marker required by Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 or the terms and provisions of the International Fuel Tax Agreement, as amended by the International Fuel Tax Association, Inc., or any motor vehicle that does not display an identification marker or other identifying information as prescribed by the Department or required by Title 58.1 or the terms of the International Fuel Tax Agreement, as amended by the International Fuel Tax Association, Inc.; or (iii) operates or causes to be operated on any highway in the Commonwealth any motor vehicle requiring registration cards or identification markers from the Department after such registration cards or identification markers have been revoked, canceled, or suspended.

6. Operates or causes to be operated on any highway in the Commonwealth any truck or tractor truck or combination of vehicles exceeding the size limitations of Articles 14 (§ 46.2-1101 et seq.), 15 (§ 46.2-1105 et seq.), 16 (§ 46.2-1112 et seq.), and 18 (§ 46.2-1139 et seq.) of Chapter 10.

B. Upon collection by the Department, civil penalties levied pursuant to subdivisions A 1 and A 3 through 5 shall be paid into the Commonwealth Transportation Fund, but civil penalties levied pursuant to subdivisions A 2 and 6 and all processing fees levied pursuant to this section shall be paid into the state treasury and shall be set aside as a special fund to meet the expenses of the Department of Motor Vehicles.

C. The penalties and fees specified in this section shall be in addition to any other penalty, fee, tax, or liability that may be imposed by law.

§ 46.2-613.3. Special processing provisions for civil penalties levied for violation of license, registration, and tax requirements and vehicle size limitations.

Notwithstanding any other provision of law, all civil penalties levied pursuant to § 46.2-613.1 shall be processed in the following manner:

1. The *law-enforcement officer or size and weight compliance agent* charging the violation shall serve a citation on the operator of the vehicle. The citation shall be directed to the owner, operator, or other person responsible for the violation as determined by the *law-enforcement officer or size and weight compliance agent*. Service of the citation on the vehicle operator shall constitute service of process upon the owner, operator, or other person charged with the violation as provided in § 46.2-613.5.

2. The *law-enforcement officer or size and weight compliance agent* charging the violation shall cause the citation to be delivered or sent by first-class mail to the Department within 24 hours after it is served.

3. The owner, operator, or other person charged with the violation shall, within 21 days after the citation is served upon the vehicle operator, either make full payment to the Department of the civil penalty and processing fee as stated on the citation or deliver to the Department a written notice of his election to contest the charges in court.

4. Failure of the owner, operator, or other person charged with the violation to timely deliver to the Department either payment in full of the uncontested civil penalty and processing fee or a notice of contest of the violation shall cause the Department to issue an administrative order of assessment against such person. A copy of the order shall be sent by first-class mail to the person charged with the violation. Any such administrative order shall have the same effect as a judgment entered by a general district court.

5. Upon timely receipt of a notice of contest of a violation under § 46.2-613.1, the Department shall:

a. Forward the citation to the general district court named in the citation; and

b. Send by first-class mail to the person charged with the violation and to the *law-enforcement officer or size and weight compliance agent* who issued the citation confirmation that the citation has been forwarded to the court for trial.

6. Notices and pleadings may be served by first-class mail to the address shown on the citation as the address of the person charged with the weight violation or, if none is shown, to the address of record for the person to whom the vehicle is registered.

7. An alleged violation that is contested shall be tried as a civil case. The attorney for the Commonwealth shall represent the interests of the Commonwealth. The disposition of the case shall be recorded in an appropriate order, a copy of which shall be sent to the Department in lieu of any record that may be otherwise required by § 46.2-383. If judgment is for the Commonwealth, payment shall be made to the Department.

8. Notwithstanding any other provisions of this section, any and all citations and notices required by this section to be provided to the person charged with a violation or received from the person charged with a violation, with the exclusion of the citation as set out in subdivision 1, may be served or provided in an electronic manner if the Department and the person charged with the violation have agreed to utilize electronic notification.

§ 46.2-613.4. Special seizure provisions for unpaid fees and penalties.

Any *law-enforcement officer or size and weight compliance agent* authorized to serve process under the provisions of this chapter may hold a vehicle without an attachment summons or court order, but only for such time as is reasonably necessary to promptly petition for an attachment summons to attach the vehicle.

After finding reasonable cause for the issuance of an attachment summons, the judicial officer conducting the hearing shall inform the operator of the vehicle of his option to either pay the previously assessed fees and penalties due the Commonwealth or contest the charge through the attachment proceeding. If the operator chooses to make payment, he shall do so to the judicial officer, who shall transmit the citation along with the fees and penalties to the Department for distribution in accordance with subsection B of § 46.2-613.1.

The Commonwealth shall not be required to post bond in order to attach a vehicle pursuant to this section. The *law-enforcement officer or size and weight compliance agent* authorized to hold the vehicle pending a hearing on the attachment petition shall also be empowered to execute the attachment summons if issued. Any bond for the retention of the vehicle or for release of the attachment shall be given in accordance with § 8.01-553 except that the bond shall be taken by a judicial officer. The judicial officer shall return the bond to the clerk of the appropriate court in place of the officer serving the attachment as otherwise provided in § 8.01-554.

In the event the fees and penalties are not paid in full, or no bond is given by, or for the person responsible for paying the fees and penalties, the vehicle shall be stored in a secure place, as may be designated by the owner or operator of the vehicle. If no place is designated, the officer or size and weight compliance agent executing the attachment summons shall designate the place of storage. The owner or operator shall be afforded the right of unloading and removing the cargo from the vehicle. The risk and cost of the storage shall be borne by the owner or operator of the vehicle.

Whenever an attachment summons is issued for unpaid fees and penalties the court shall forward to the Department both a copy of the order disposing of the case and the citation prepared by the *law-enforcement officer or size and weight compliance agent* but not served.

Upon notification of the judgment or administrative order entered for such unpaid fees and penalties and notification of the failure of such person to satisfy the judgment or order, the Department, the Department of

State Police, or any law-enforcement officer or size and weight compliance agent shall thereafter deny the offending person the right to operate a motor vehicle or vehicles on any highway of the Commonwealth until the judgment or order has been satisfied and a reinstatement fee of \$50 has been paid to the Department. Reinstatement fees collected under the provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

When informed that the right to operate the motor vehicle has been denied, the driver shall drive the motor vehicle to a nearby location off the public highways and not move it or permit it to be moved until such judgment or order has been satisfied. Failure by the driver to comply with this provision shall constitute a Class 4 misdemeanor.

All costs incurred by the Commonwealth and all judgments, if any, against the Commonwealth due to action taken pursuant to this section shall be paid from the fund into which the civil penalties levied pursuant to § 46.2-613.1 are paid.

Officers of the Department of State Police and all other law-enforcement officers are vested with the same powers with respect to the enforcement of this chapter as they have with respect to the enforcement of the criminal laws of the Commonwealth.

§ 46.2-613.5. Procedures for issuing and serving process in civil penalty cases.

Any *law-enforcement officer or size and weight compliance agent* authorized to enforce the provisions of § 46.2-613.1 may issue a citation for a violation of such provisions. Such *law-enforcement officer or size and weight compliance agent* may also serve an attachment summons issued by a judge or magistrate in connection with a violation of § 46.2-613.1.

Service of any such citation shall be made upon the driver of the motor vehicle involved in the violation. Such service on the driver shall have the same legal force and validity as if served within the Commonwealth personally upon the owner, operator, or other person charged with the violation, whether such owner, operator, or other person charged is a resident or nonresident.