Localities that, by ordinance, enforce payment of local motor vehicle license fees must issue some form of license upon payment of fee; may prescribe the form of license, which must be displayable on vehicle. Authorization for the Commissioner of the Department of Motor Vehicles, pursuant to agreement with local treasurer or director of finance, to refuse to issue vehicle registration to, or renew registration for, individual who has not paid locality’s motor vehicle license fee. Localities that have such agreement with Department, but do not have ordinance requiring display of local motor vehicle license fee, are not required to issue license that is displayable upon vehicle on which license fee is imposed.

The Honorable Ross A. Mugler  
Commissioner of the Revenue for the City of Hampton

The Honorable Molly Joseph Ward  
Treasurer for the City of Hampton

December 20, 2002

Issues Presented

You pose two questions regarding the issuance of local motor vehicle licenses. First, you ask whether a locality may charge a license fee on motor vehicles pursuant to § 46.2-752 without issuing a license. Second, you inquire concerning the physical form of a motor vehicle license, should the issuance of a license be required.

Response

It is my opinion that, if a locality adopts an ordinance pursuant to § 46.2-752(G) to enforce the payment of the local motor vehicle license fee, the locality must issue some form of a license upon payment of the license fee. It is also my opinion that such locality has discretion to prescribe the form of the license, but the form must be such that it may be displayed on the vehicle. Additionally, it is my opinion that § 46.2-752(J) authorizes the Commissioner of the Department of Motor Vehicles, pursuant to an agreement with
the local treasurer or director of finance, to refuse to issue a vehicle registration to, or renew a registration for, an individual who has not paid the locality’s motor vehicle license fee. If such an agreement is entered into, a locality that has no ordinance in effect pursuant to § 46.2-752(G) is not required to issue a license that is displayable upon the vehicle on which a license fee is imposed.

**Applicable Law and Discussion**

Section 46.2-752(A) authorizes counties, cities and towns to impose a local license fee on motor vehicle owners. Section 46.2-752(A) provides, in part:

> Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers…. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the amount of the license tax imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Section 46.2-752(G) provides:

> Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer to fail to obtain and display the local license required by any ordinance of the county, city or town in which the vehicle is registered or to display upon a motor vehicle, trailer, or semitrailer any such local license after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of
the vehicle may not be discharged by payment of a
fine except upon presentation of satisfactory evidence
that the required license has been obtained.
[Emphasis added.]

The local motor vehicle fee is imposed on the privilege of operating
a motor vehicle and is not a property tax. ² This Office previously
has concluded that the offense proscribed by an ordinance adopted
pursuant to § 46.2-752(G) is not the failure to purchase a license
decal but is the operation of a vehicle on a public highway without
obtaining and displaying the appropriate decal on the motor
vehicle.³ A person may own a motor vehicle and keep it garaged
without being subject to the local motor vehicle fee.⁴

Section 46.2-752(G) specifically authorizes localities to adopt
ordinances making it "unlawful for any owner or operator of a motor
vehicle, trailer, or semitrailer to fail to obtain and display the local
license required by" such ordinances. (Emphasis added.) This
Office is required to apply the rule of statutory construction that
"every part of a statute is presumed to have some effect and no
part will be considered meaningless unless absolutely necessary."⁵
Without the issuance by the locality of a form of license for payment
of the motor vehicle license fee, the provision in § 46.2-752(G),
pertaining to failure by the owner or operator to obtain and display
the local license, would be meaningless.

Moreover, this interpretation is further supported by additional
language in § 46.2-752(G), which provides that a locality may make
it unlawful "to display upon a motor vehicle, trailer, or semitrailer
any such local license after its expiration date." (Emphasis added.)
This language contemplates there being some type of license being
issued that is displayable.⁶ Such a license may take a form other
than the commonly used decal, as long as the license is
displayable.

A locality is not required to adopt an ordinance pursuant to § 46.2-
752(G) to enforce payment of its vehicle license fee. A locality may,
in place of or in addition to such ordinance, choose to compel the
payment of its motor vehicle license fee by agreement with the
Department of Motor Vehicles. The 2002 Session of the General
Assembly amended § 46.2-752(J) to allow a treasurer or director of
finance of a locality to enter into an agreement with the
Commissioner of the Department of Motor Vehicles whereby the
Commissioner is authorized to refuse to issue or renew a vehicle
registration for the failure to pay the locality’s motor vehicle license
fee.⁷ Specifically, § 46.2-752(J) provides, in part:
Beginning October 1, 1992, the treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city or town any local vehicle license fees or delinquent tangible personal property tax. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant must first satisfy all such local vehicle license fees and delinquent taxes and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes have been paid in full. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill. [Emphasis added.]

Pursuant to an agreement with the local treasurer or director of finance, § 46.2-752(J) authorizes the Commissioner of the Department of Motor Vehicles to refuse to issue a vehicle registration to, or renew a registration for, an individual who has not paid a locality’s motor vehicle license fee. If such an agreement is entered into, a locality that has no ordinance in effect pursuant to § 46.2-752(G) is not required to issue a license that is displayable upon the vehicle on which a license fee is imposed.

**Conclusion**

Accordingly, it is my opinion that, if a locality adopts an ordinance pursuant to § 46.2-752(G) to enforce the payment of the local motor vehicle license fee, the locality must issue some form of a license upon payment of the license fee. It is also my opinion that such locality has discretion to prescribe the form of the license, but the form must be such that it may be displayed on the vehicle. Additionally, it is my opinion that § 46.2-752(J) authorizes the Commissioner of the Department of Motor Vehicles, pursuant to an agreement with the local treasurer or director of finance, to refuse to issue a vehicle registration to, or renew a registration for, an individual who has not paid the locality’s motor vehicle license fee. If such an agreement is entered into, a locality that has no ordinance in effect pursuant to § 46.2-752(G) is not required to issue a license that is displayable upon the vehicle on which a license fee is imposed.
Section 46.2-755 prohibits the imposition of a motor vehicle license fee in certain circumstances.


Op. Va. Att’y Gen.: 1996 at 186, 187; 1987-1988 at 431, 432 (interpreting § 46.1-65(e), predecessor to § 46.2-752(G)).


See also § 46.2-752(K), which provides that "[t]he governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license." (Emphasis added.)


Back to December 2002 Index