

MOTOR VEHICLE LAWS IN VIRGINIA

JB LANGLEY-EUSTIS LAW CENTER

This pamphlet provides general information about important areas of Virginia motor vehicle laws.

VEHICLE REGISTRATION

DEFINITIONS

Whether a vehicle must be registered in Virginia depends on who owns the vehicle and whether the owner is a *resident* or *nonresident*. Here are some important definitions:

Domicile is your state of *legal* residence: the state you consider to be your “home” state; the state to which you would return if you left the Air Force today. While there is no single, conclusive test to determine domicile, the following factors are relevant: where you were born and raised; where you are registered to vote; where you hold a driver’s license; where you pay personal income taxes; where you own property; and where you have other ties such as professional licenses and membership in various organizations. The Servicemembers Civil Relief Act (SCRA) prevents a state from creating a presumption that an active-duty military member becomes domiciled in that state simply because he or she is stationed there. The member may choose to become a domiciliary of that state, but cannot be forced to—the member can retain his or her old domicile throughout his or her military career. Contrary to a popular misconception, however, the SCRA does *not* give a military member the unlimited right to choose *any* state as a new domicile.

Nonresident means every person not domiciled in Virginia, except those who become *residents* as described below.

Resident means every person domiciled in Virginia (and physically living here) *plus* every other person who meets any of the following tests. (Note: These tests *do not* apply to active-duty members or their spouses but do apply to other dependents.)

- A. *Works* in Virginia for more than 60 days;
- B. *Lives* in Virginia for 6 months (except nonresident students); or
- C. *Registers* a car in Virginia using a Virginia address.

Nonresident student means every nonresident who is enrolled as a full-time student and who is not gainfully employed.

IN WHICH STATE SHOULD YOU REGISTER?

Virginia law requires most vehicles owned by Virginia residents to be registered in Virginia. Follow these rules based on ownership of the vehicle:

1. If a vehicle is owned solely by a person domiciled in Virginia (regardless of military status) -- must register in Virginia.
2. If a vehicle is owned jointly, and one or both owners are domiciled in Virginia (regardless of military status) -- must register in Virginia.
3. If a vehicle is owned solely by a civilian who is not domiciled in Virginia (regardless of spouse’s/sponsor’s domicile) -- must register in Virginia within 30 days of becoming a Virginia resident.
4. If a vehicle is owned jointly by a military member not domiciled in Virginia and a civilian not domiciled in Virginia-- treat the vehicle as if owned solely by the civilian and follow subparagraph 3.
5. If a vehicle is owned solely by a military member who is not a Virginia domiciliary-- must register in either Virginia or the state of domicile. Retaining a registration from a third state is not allowed.

DRIVER’S LICENSES

Active-duty military members, their spouses, and dependent children 16 years of age or older do not need a Virginia driver’s license if they have a valid driver’s license from the state in which they are domiciled. This applies regardless of the state in which the vehicle is registered. Members and their dependents *may* get a Virginia driver’s license without affecting their domicile.

If for any reason your out-of-state driver’s license is suspended, revoked or expires, you can no longer drive in Virginia. Your status as a military member or dependent will not protect you.

If you have a military driver’s license issued by the DoD, you can drive with that license in Virginia for 30 days after your arrival. After that, you must either get a Virginia license or a license from your state of residence.

PERSONAL PROPERTY TAXES

Vehicles registered in Virginia are subject to a personal property tax. The only exceptions are for a vehicle registered 1) *solely* in the name of an active-duty member who is domiciled in another state; 2) *solely* in the name of his or her spouse who is domiciled in another state; or 3) in both names *jointly*. However, if the vehicle is jointly registered with anyone other than the active-duty member and his or her spouse, the vehicle is taxable. Note that this is a recent change under the Military Spouses Residency Relief Act (MSRRA) of 2009.

Some military members choose to avoid the tax by removing another person's name from the title. This is done by having the other owner sign over his or her ownership interest on the original title and applying for a new title and registration at the Department of Motor Vehicles (DMV). (If the vehicle has a lien against it because of a loan, you may have to get the original certificate of title from the bank). Note, however, that removing another person's name from the title gives sole ownership to the active duty member.

The personal property tax rate varies depending upon location, but is currently about \$4.25 tax for every \$100 assessed valuation (which may be less than market value). However, due to the Personal Property Tax Relief Act (PPTRA), the taxes you pay for your car might be lower than in previous years. For more information on the PPTRA, please contact the Commissioner of the Revenue for your city or county.

Sales tax (sometimes called "use tax") on vehicles imported from overseas must be paid at the time of registration. A vehicle purchased "tax free" overseas is not exempt from sales tax in the U.S.

SAFETY INSPECTIONS

Vehicles registered in Virginia must be inspected once a year at an official inspection station. If your vehicle is lawfully registered in another state, you are not subject to Virginia inspection laws. Langley AFB does not require you to get a Virginia inspection. However, you do remain subject to your home state's inspection laws, if any.

Though it does not affect vehicles registered in any locality surrounding Langley AFB, it is worth noting that a number of Northern Virginia counties and cities require emissions inspections to register your vehicle.

DRIVING ON BASE

No person has a *right* to drive, on base or off. Driving is a privilege that can be taken away if misused. Virginia motor vehicle laws apply on base just like they do off-base. Civilians, retirees, or dependents ticketed on base will have to appear in Federal Magistrate's Court. Military members ticketed will have to appear in front of their commander and may receive administrative discipline or criminal punishment. Simple things such as driving the speed limit, coming to a full stop where

indicated, and not getting behind the wheel after drinking will not only save your career, but could save your life.

OTHER SELECTED LAWS

- A. All drivers and front seat passengers must wear seat belts. As of July 2010, all passengers under age 18 must wear a seat belt regardless of location in the car.
- B. Any child under 6 years old must be in a child safety seat.
- C. Pedestrians crossing streets have right of way.
- D. Lights are to be on from sunset to sunrise, whenever your windshield wipers are used, and any time that weather conditions are such that you cannot clearly see 500 feet ahead.
- E. Dark tinting of windows is illegal.
- F. Radar detectors are illegal.
- G. Driving 20+ mph over the speed limit or over 80 mph is reckless driving, making a court appearance mandatory.
- H. Right turns on red, after stop, are permitted.
- I. Wearing of radio headsets while driving is illegal if both ears are covered.
- J. Left lanes on highways are for passing only, not for regular driving.
- K. Virginia drivers under the age of 18 may not operate a motor vehicle in Virginia while using a cellular telephone or other wireless communication devices.
- L. For all drivers, only hands-free cell phone use is allowed while driving on-base.

WHERE TO GO FOR MORE INFORMATION

The DMV in Hampton is located at 8109 Roanoke Ave. The DMV in Newport News is located at 12730 Patrick Henry Drive. The phone number for all Virginia DMVs is (804) 497-7100. For other locations or information try the Virginia DMV online at <http://www.dmv.state.va.us/>.

Note: The information in this handout is general in nature. It is not to be used as a substitute for legal advice from an attorney regarding individual situations.