

**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 15<sup>th</sup> day of December 2016.*

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective immediately.

Amend portions of Rule 3B:2 to read as follows:

**Rule 3B:2. Uniform Fine Schedule.**

For any offense listed below, whether prescribed by the specified State statute or by a parallel local ordinance adopted pursuant to the authority granted in Virginia Code § 46.2-1300, a driver may enter a written appearance, waiver of court hearing, plea of guilty, and pay fines and costs. For traffic offenses not listed below, a court hearing is required. Nothing in this Rule affects bonding procedures for those offenses not listed below. Likewise, nothing in this Rule shall be construed to alter the operation of or the penalties prescribed pursuant to §§ 46.2-1220 through 46.2-1230.

This schedule is applied uniformly throughout the Commonwealth, and a clerk or magistrate may not impose a fine different from the amounts shown here. Costs shall be paid in accordance with the provisions of the Code of Virginia or any rules or regulations promulgated thereunder. This schedule does not restrict the fine a judge may impose for an offense listed here in any case for which there is a court hearing.

<u>Description of Offense*</u>	<u>Statute or Regulation</u>	<u>Fine</u>	<u>Processing Fee***</u>	<u>Total</u>
* * *				
<b>2. <u>Other Moving Offenses</u></b>				
* * *				
Driving in violation of HOV Lane Restrictions	33.2-501(B)	\$100	\$51	\$151
Driving in violation of HOV Lane Restrictions, Planning District Eight (first offense)	33.2-501(B)(1)	\$125	\$51	\$176

Driving in violation of HOV Lane Restrictions, Planning District Eight (second offense within five years from a first offense)	33.2-501(B)(2)	\$250	\$51	\$301
Driving in violation of HOV Lane Restrictions, Planning District Eight (third offense within five years from a first offense)	33.2-501(B)(3)	\$500	\$51	\$551
Driving in violation of HOV Lane Restrictions, Planning District Eight (fourth offense within five years from a first offense)	33.2-501(B)(4)	\$1,000	\$51	\$1,051

**Violations of 33.2-503(3) are only prepayable if unpaid tolls and all administrative fees imposed by the HOT lanes operator are paid in addition to the fines and court costs reflected here.**

Driving vehicle in violation of HOT Lane Restrictions (first offense)	33.2-503(3)	\$50	\$51	\$101
Driving vehicle in violation of HOT Lane Restrictions (second offense)	33.2-503(3)	\$100	\$51	\$151
Driving vehicle in violation of HOT Lane Restrictions (third offense within two years from a second offense)	33.2-503(3)	\$250	\$51	\$301
Driving vehicle in violation of HOT Lane Restrictions (fourth and subsequent offense within three years from a second offense)	33.2-503(3)	\$500	\$51	\$551
Driving vehicle in violation of HOT lane vehicle classification restrictions (first offense)	33.2-503(4)	\$125	\$51	\$176
Driving vehicle in violation of HOT lane vehicle classification restrictions (second offense within five years from a first offense)	33.2-503(4)	\$250	\$51	\$301

Driving vehicle in violation of HOT lane vehicle classification restrictions (third offense within five years from a first offense)	33.2-503(4)	\$500	\$51	\$551
Driving vehicle in violation of HOT lane vehicle classification restrictions (fourth and subsequent offense within five years from a first offense)	33.2-503(4)	\$1,000	\$51	\$1,051
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4. Parking or Stopping Violations

Parking too near fire apparatus	46.2-921	\$20	\$51	\$71
Opening door of parked motor vehicle when not reasonably safe to do so	46.2-818.1	\$30	\$51	\$81
Vehicle improperly stopped or parked on highway	46.2-888	\$20	\$51	\$71
- parked or stopped at or near fire or accident so as to cause traffic hazard or interfere with emergency operations	46.2-890	\$20	\$51	\$71
*                    *                    *				

\* The description of offense is for reference and is not a legal definition.

\*\* Unless otherwise provided by statute.

\*\*\* See §§ 9.1-106 and 53.1-120 of the Code.

<sup>1</sup> The category “regulation” refers to the section of the Code of Federal Regulations as incorporated by regulation at 19 VAC 30-20-80 of the Virginia Motor Carrier Safety Regulations. These regulations are included for identification and reference purposes only, since these violations are violations of Virginia regulations.

<sup>†</sup>These fines are imposed for violations of certain Virginia Motor Carrier Safety Regulations. The statutory authority to impose these fines is contained in § 52-8.4 of the Code of Virginia and in 19 VAC 30-20-10, et seq., of the Virginia Motor Carrier Safety Regulations, incorporating by reference 49 C.F.R. Parts 390-397.

Amend portions of Rule 3C:2 to read as follows:

**Rule 3C:2. Uniform Fine Schedule.**

Any person charged with any offense listed below may enter a written appearance, waiver of court hearing, plea of guilty, and pay fines and costs.

This schedule is applied uniformly throughout the Commonwealth, and a clerk or magistrate may not impose a fine different from the amounts shown here. Costs shall be paid in accordance with the provisions of the Code of Virginia or any rules or regulations promulgated thereunder. The schedule does not restrict the fine a judge may impose for an offense listed here in any case for which there is a court hearing.

Where injury to the person is involved, prepayment may not be made, even though the offense or violation appears on the list below. See Va. Code § 16.1-69.40:2(A).

A violation of a provision of Title 28.2 may be prepaid only if the person has not violated a provision of Title 28.2 within the past 12 months. See Va. Code § 28.2-903.

A violation of a regulation or order of the Potomac River Fisheries Commission (PRFC) listed below may be prepaid only if the person or entity is not charged or convicted with a second or subsequent violation of such regulation or order of the PFRC within the 24 month period preceding a violation charged hereunder. See PFRC Regulation 1, Sec. 6(b).

A violation of any of the provisions of the hunting, trapping, or inland fish laws, or of § 18.2-132, or any regulations adopted by the Board of Game and Inland Fisheries pursuant thereto, may be prepaid only if the person has not violated any of those provisions within the past three years. See Va. Code § 29.1-338.

<u>Description of Offense*</u>	<u>Statute or Regulation</u>	<u>Fine</u>	<u>Processing Fee***</u>	<u>Total</u>
* * *				
Trespassing at night upon cemetery	18.2-125	\$35	\$61	\$96
Trespassing at night upon church or school property	18.2-128(A)	\$35	\$61	\$96
Trespassing upon lands to hunt, fish or trap without consent	18.2-132	\$50	\$61	\$111

Trespassing by intentional release of hunting dogs on the lands of another	18.2-132.1	\$50	\$61	\$111
Computer invasion of privacy by intentionally examining personal information without authority	18.2-152.5	\$50	\$61	\$111
Trespassing on railroad track	18.2-159	\$35	\$61	\$96
Trespassing on railroad trains	18.2-160	\$35	\$61	\$96
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Unauthorized Transfer of License	PRFC Reg I 1 a <sup>1</sup>		2	\$250
Setting 1 to 5 more Crab Pots than Licensed (note Order #)	PRFC Reg I 2 d (1) <sup>1</sup>		2	\$150
Setting 6 to 10 More Crab Pots than Licensed (note Order #)	PRFC Reg I 2 d (1) <sup>1</sup>		2	\$250
Setting 11 to 15 More Crab Pots than Licensed (note Order #)	PRFC Reg I 2 d (1) <sup>1</sup>		2	\$350
Setting 16 to 20 More Crab Pots than Licensed (note Order #)	PRFC Reg I 2 d (1) <sup>1</sup>		2	\$450
Setting 21 or More Crab Pots than Licensed (note Order #)	PRFC Reg I 2 d (1) <sup>1</sup>		2	\$500
Unlawful Crabbing with a 2 on 1 Boat Exemption Permit	PRFC Reg I 2 d (6) <sup>1</sup>		2	\$250
Improper Identification of Oyster Tong Vessel	PRFC Reg I 2 f (1) <sup>1</sup>		2	\$125
Improper Identification of Hand Scrape Vessel	PRFC Reg I 2 f (3) <sup>1</sup>		2	\$125
Unlicensed Hand Scrape Assistant	PRFC Reg I 2 f (5)(1) <sup>1</sup>		2	\$125

Unlicensed Hand Tong Assistant	PRFC Reg I 2 f (5)(2) <sup>1</sup>	2	\$125
Gill Net Set in Water Depth More than 36' ML W	PRFC Reg I 2 (i) (1) <sup>1</sup>	2	\$250
Fish Trot Line Set with Hooks Too Shallow	PRFC Reg I 2 1 (1) <sup>1</sup>	2	\$125
Failure to Display Commercial Hook and Line Pennant	PRFC Reg I 2 1 (2) <sup>1</sup>	2	\$125
More Unlicensed Commercial Hook and Line Crew Members Than Allowed	PRFC Reg I 2 1 (2) <sup>1</sup>	2	\$300
Violation of Bowfishing Regulation	PRFC Reg I 2 1 (3) <sup>1</sup>	2	\$200
Possession of Fish Species Other than Northern Snakehead per fish	PRFC Reg I 2 1 (3) <sup>1</sup>	2	\$125
Improper Identification of Eel, Fish, or Bait Pots or Vessel	PRFC Reg I 2 m (4) <sup>1</sup>	2	\$125
* * *			
Failing to Remove 21 or more Stakes	PRFC Reg I 2 s (2) <sup>1</sup>	2	\$500
No Reflective Material/Flags on Gill or Fyke	PRFC Reg I 2 s (3) <sup>1</sup>	2	\$125
No Reflective Material/Flags on Pound Net	PRFC Reg I 2 s (3) <sup>1</sup>	2	\$250
Gill Net Set Out of Location	PRFC Reg I 2 s <sup>1</sup>	2	\$75
Operating Charter Boat without Sport Decal	PRFC Reg I 2 u <sup>1</sup>	2	\$300
Failure to Exhibit Commercial License	PRFC Reg I 3 b <sup>1</sup>	2	\$125

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Altering/Modifying Striped Bass ID Tags per tag	PRFC Reg I 3 e <sup>1</sup>	2	\$250
Possession of Other Jurisdiction Striped Bass Tags (1 to 5 tags)	PRFC Reg I 3 f <sup>1</sup>	2	\$250 per tag
Possession of Other Jurisdiction Striped Bass Tags (6 to 10 tags)	PRFC Reg I 3 f <sup>1</sup>	2	\$500 per tag
Possessing Hand Scrape During Unlawful Time (note Order #)	PRFC Reg II 2 b <sup>1</sup>	2	\$300
Oystering Before or After Closed Hours (note Order #)	PRFC Reg II 2 b <sup>1</sup>	2	\$500
Oystering During Closed Season (note Order #)	PRFC Reg II 2 b <sup>1</sup>	2	\$500
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Not Culling on Oyster Bar	PRFC Reg II 2 f (2) <sup>1</sup>	2	\$500
Possessing Oysters in Containers (not Oyster Basket) or on Washboards	PRFC Reg II 2 g <sup>1</sup>	2	\$200
Oystering in Closed Area (including Sanctuaries)	PRFC Reg II 4 a-b <sup>1</sup>	2	\$500
Possessing Oysters in Untagged Oyster Baskets	PRFC Reg II 2 g (1) <sup>1</sup>	2	\$250 per basket
Exceeding Minimum or Maximum Mesh Size	PRFC Reg III 8 b <sup>1</sup>	2	\$500
Violations of Haul Seine Regulations	PRFC Reg III 8 c (1-2) <sup>1</sup>	2	\$200
Failure to Install or Maintain Functional Fish Cull Panels	PRFC Reg III 8 (d) <sup>1</sup>	2	\$200
Obstructed Fish Cull Panels	PRFC Reg III 8 (d) <sup>1</sup>	2	\$200

Fishing During Closed Season (Commercial)	PRFC Reg III 9 a (1-7) <sup>1</sup>	2	\$350
Possessing Fish During Closed Season (note Order #) per fish	PRFC Reg III 9 b <sup>1</sup>	2	\$125
* * *			
Possessing Striped Bass in Excess of Catch/Creel Limits (note Order #) per fish	PRFC Reg III 10 a <sup>1</sup>	2	\$150
Using Striped Bass ID tags of Another	PRFC Reg III 10 b <sup>1</sup>	2	\$350
Failure to Tag Commercially Caught Striped Bass (1 to 4 fish)	PRFC Reg III 10 b <sup>1</sup>	2	\$200 per fish
Unlawful Use of Striped Bass Tags (i.e. by gear type)(note Order #)	PRFC Reg III 10 b <sup>1</sup>	2	\$500
* * *			
Crab Pots without Decal/Tag – 500 Pot License			
# pots without decal/tag			
1 to 25	PRFC Reg VII 3 b <sup>1</sup>	2	\$250
26 to 50	PRFC Reg VII 3 b <sup>1</sup>	2	\$500
Crabbing/Possession of Crabs During Closed Season (note Order #)	PRFC Reg VII 4 a <sup>1</sup>	2	\$250
Crabbing at Night (note Order #)	PRFC Reg VII 5 b <sup>1</sup>	2	\$200
No Culling Container on Board	PRFC Reg VII 6 a <sup>1</sup>	2	\$200



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Failure to Separate Crabs per container	PRFC Reg VII 6 c <sup>1</sup>			2			\$150
Exceeding Crab Harvest Limit (note Order #) per bushel	PRFC Reg VII 7 a <sup>1</sup>			2			\$150
	*	*	*				
Failure to keep clear when overtaking another vessel	4 VAC 15-390- 40(A) <sup>††††</sup>	\$30	\$61				\$91
Failure of motorboat to yield right of way to sailing vessel	4 VAC 15-390-50 <sup>††††</sup>	\$35	\$61				\$96
Failure to slacken speed to avoid endangerment of persons or property by wake	4 VAC 15-390-80 <sup>††††</sup>	\$30	\$61				\$91
Smoking in vehicle with a minor under the age of 8 present	46.2-810.1	\$100	-				\$100
Failure of person at least age 18 occupying front seat of vehicle to use safety belt system	46.2-1094(A) 46.2-1094(C)	\$25	-				\$25
Failure of driver to ensure that child up to age 8 is properly secured in approved child restraint device (first violation only)	46.2-1095(A) 46.2-1098	\$50	-				\$50
Failure of driver to ensure that another person 8 through 17 years of age is properly secured by safety belt system (first violation only)	46.2-1095(B) 46.2-1098	\$50	-				\$50
Failure of driver to carry written statement exempting child from use of child restraint device	46.2-1096 46.2-1098	\$20	-				\$20
Refusing officer's order to drive vehicle to weighing station	46.2-1137	\$35	\$61				\$96

\* The description of offense is for reference and is not a legal definition.

\*\* Unless otherwise provided by statute.

\*\*\* See §§ 9.1-106 and 53.1-120 of the Code.

<sup>1</sup> This designation "PRFC Reg" refers to the Potomac River Fisheries Commission Regulations. The cite provides the regulation number, the section number and the subsection number.

<sup>2</sup> Subtract fees from total and post balance to fine.

<sup>3</sup> "Park" is defined pursuant to § 4 VAC 5-30-10 and is intended for the purposes of this rule to mean all designated parks, parkways, historical and natural areas, sites and other recreational areas under the jurisdiction of the Virginia Department of Conservation and Recreation.

<sup>4</sup> Established pursuant to § 10.1-104 of the Code.

† These Regulations are promulgated pursuant to §§ 29.1-501 and 29.1-502 of the Code.

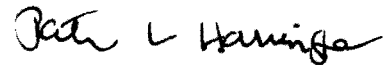
†† The Regulations are promulgated pursuant to §§ 29.1-103, 29.1-501 and 29.1-502 of the Code.

††† The Regulations are promulgated pursuant to § 29.1-501 of the Code.

†††† The Regulations are promulgated pursuant to §§ 29.1-701 and 29.1-802 of the Code.

A Copy,

Teste:



Clerk