



Fuel Inspection Notice

The *Code of Virginia*, Chapter 22, §58.1, Virginia Fuels Tax Act, allows authorized Virginia DMV agents to physically inspect, examine, or search any of the following:

- ▶ Any tank, reservoir, or containers that can be or may be used for the production, storage, transportation, or use of fuel, fuel dyes, or markers
- ▶ Equipment used for dyeing or marking of fuel
- ▶ Books and records kept to determine fuels tax liability under Chapter 22, §58.1-2276

Virginia DMV agents may detain any vehicle or any other mode of fuel transportation to inspect its fuel or storage tanks, and may extract and keep samples of fuel to clarify the fuel composition.

Penalties

Any person refusing to allow an inspection shall be subject to a civil penalty of \$5,000 for each refusal. This penalty is in addition to any other penalty or tax imposed.

Civil penalty – The greater of \$1,000 or \$10 per gallon of the maximum fuel tank capacity.

Criminal penalty – Over 20 gallons, Class 6 felony; 20 gallons or less, Class 1 misdemeanor.

Permissible Use of Dyed Diesel Fuel

Dyed diesel is diesel fuel that has been marked with red dye to indicate that tax has not been paid on it and that it is destined for and restricted to non-taxable uses.

In Virginia, dyed diesel may not be used in the propulsion tank of a diesel-powered highway vehicle driven on Virginia highways if the vehicle is registered, or required by Virginia statute to be registered, or if an overweight permit must be obtained for the vehicle to travel over Virginia highways. This applies to all highway vehicles driven on Virginia highways, whether the vehicle is garaged in the Commonwealth or driven into Virginia from another state.

Exemptions from registration are described in the *Code of Virginia*, Title 46.2, Chapter 6, Article 6. Vehicles which may be exempt from registration but do not meet all parameters to remain exempt (including limited permitted highway use) may not use dyed diesel fuel on the highway.

Using dyed diesel for taxable use is a serious offense because it deprives the Commonwealth of revenues to maintain and repair its public highways. Such use is unlawful and violators may be subject to a substantial civil penalty, may be charged with a criminal violation, or both.



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