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SENATE BILL NO. 1238

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on February 1, 2001)

(Patron Prior to Substitute—Senator Barry)

A BILL to amend and reenact § 46.2-330 of the Code of Virginia, relating to expiration and renewal of driver's licenses; licensure of persons seventy years old or older.

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-330 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-330. Expiration and renewal of licenses; examinations required.

A. ~~Every~~ Except as provided in subsection B or this section, every driver's license shall expire on the last day of the month of birth of the applicant in years in which the applicant attains an age equally divisible by five. At no time shall any driver's license be issued for less than three nor more than seven years. Thereafter the driver's license shall be renewed in the birthday month of the licensee and shall be valid for five years, expiring in the next year in which the licensee's age is equally divisible by five.

B. Every driver's license issued to an applicant who is at least seventy years old shall expire on the last day of the month of his birth and shall be valid for three years. No driver's license shall be issued to any applicant who is seventy years or older unless he either (i) has taken and passed a vision examination or (ii) presents a certificate from a licensed optometrist or ophthalmologist certifying that, within ninety days preceding the application for renewal, the applicant had successfully taken a vision examination at least equivalent to that administered by the Department.

C. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall mail notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date.

Any driver's license may be renewed by application, which shall include the applicant's certification of Virginia residency, after the applicant has taken and successfully completed those parts of the examination provided for in §§ 46.2-311, 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), including ~~visual~~ vision and written tests, other than the parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license shall take and successfully complete the examination each renewal year.

¶ D. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311, 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, the Commissioner may waive the ~~visual~~ vision examination for any applicant who is less than seventy years old for renewal of a driver's license which is not a commercial driver's license, and the requirement or the taking of the written test as provided in subsection B of this section, § 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), for any applicant for renewal if the applicant's driver's license record on file at the Department contains, for the five years prior to the expiration date of the license being renewed, a record of no more than one conviction for any offense reportable under §§ 46.2-382, 46.2-382.1, and 46.2-383. However, in no case shall there be any waiver of the ~~visual~~ vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license.

¶ E. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent on any examination of the applicant, shall appear in person before the Department to apply for renewal, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice.

¶ F. This section shall not modify the provisions of § 46.2-331.