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HOUSE BILL NO. 638

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 8, 2002)

(Patrons Prior to Substitute—Delegates O'Brien, Hamilton [HB 415], and Rollison [HB14])

A *BILL to amend and reenact §§ 46.2-105.2, 46.2-308, 46.2-323, 46.2-324, 46.2-330, 46.2-334, 46.2-341.11, 46.2-341.15, 46.2-342, 46.2-343, and 46.2-345 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 46.2-203.2, and to repeal § 46.2-323.1 of the Code of Virginia, relating to driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, and special identification cards; penalties.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-105.2, 46.2-308, 46.2-323, 46.2-324, 46.2-330, 46.2-334, 46.2-341.11, 46.2-341.15, 46.2-342, 46.2-343, and 46.2-345 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-203.2 as follows:

§ 46.2-105.2. Obtaining documents from the Department when not entitled thereto; penalty.

A. It shall be unlawful for any person to obtain a Virginia driver's license, special identification card, vehicle registration, certificate of title, or other document issued by the Department if such person has not satisfied all legal and procedural requirements for the issuance thereof, or is otherwise not legally entitled thereto.

B. It shall be unlawful to aid any person to obtain any driver's license, special identification card, vehicle registration, certificate of title, or other document in violation of the provisions of subsection A.

C. It shall be unlawful to knowingly possess or use for any purpose any driver's license, special identification card, vehicle registration, certificate of title, or other document obtained in violation of the provisions of subsection A.

D. A violation of any provision of this section shall constitute a Class 2 misdemeanor; ~~however, if a person is charged and convicted of a violation of subsection B which involved aid to five or more persons, this section that involved the unlawful obtaining or possession of any document issued by the Department for the purpose of engaging in any age-limited activity, including but not limited to obtaining, possessing, or consuming alcoholic beverages. However, if a person is charged and convicted of any other violation of this section, such offense shall constitute a Class 4 6 felony.~~

E. Whenever it appears to the satisfaction of the Commissioner that any driver's license, special identification card, vehicle registration, certificate of title, or other document issued by the Department has been obtained in violation of this section, it may be cancelled by the Commissioner, who shall mail notice of the cancellation to the address of record maintained by the Department.

§ 46.2-203.2. *Proofs of identity, Virginia residency, United States citizenship, legal presence in the United States, and immigration status required; certain documents not valid beyond length of time during which holder is lawfully present in the United States; suspension and revocation of certain documents issued to persons whose presence in the United State ceases to be in conformity with federal law.*

A. *On and after July 1, 2002, every applicant for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card shall make application therefor in person. Except for persons less than nineteen years old and such others to whom the Commissioner, on a case-by-case basis, may grant a waiver, every such original application shall be accompanied by at least two documentary proofs of the applicant's name and date of birth, at least one of these two documents shall include a photograph of the applicant; both documents, to satisfy the requirements of this subsection, shall be original documents, and no copy or facsimile of either document shall be acceptable. A birth certificate issued by a state of the United States or a political subdivision of any such state shall be one acceptable proof of the applicant's name and date of birth. Notwithstanding the foregoing provisions of this section, the Commissioner may accept translations of non-English language documents whose authenticity is certified by the United States Department of State or a U.S. embassy or consulate. If the applicant is a citizen of the United States he shall (i) so certify on a form provided by the Commissioner, (ii) submit proof or proofs of such citizenship in a number and form satisfactory to the Commissioner, and (iii) submit a birth certificate or other proof satisfactory to the Commissioner of his name and date of birth. However, once such certification has been made, such proofs of citizenship, name, and date of birth have been provided, and the applicable document has been duly issued by the Department, such document shall be sufficient proof of United States citizenship when applying for other permits and documents issued by the Department and the foregoing requirements of application in person, certification of citizenship, and submission of proof thereof shall not apply.*

60 The provisions of this subsection shall not apply to persons applying for renewals of driver's
61 licenses, commercial driver's licenses, temporary driver's permits, learner's permits, or motorcycle
62 learner's permits.

63 B. On and after July 1, 2002, every applicant for a driver's license, commercial driver's license,
64 temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card
65 shall make application therefor in person and, if he is not a citizen of the United States, he shall (i)
66 certify, on a form prescribed by the Commissioner, that his presence in the United States is in
67 conformity with federal law, (ii) submit proof or proofs, in a number and form satisfactory to the
68 Commissioner, that his presence in the United States is in conformity with federal law, (iii) submit proof
69 or proofs, in a number and form satisfactory to the Commissioner, of his immigration status, including,
70 but not limited to, his visa or other document authorizing his presence in the United States, and (iv)
71 submit a birth certificate or other proof satisfactory to the Commissioner of his name and date of birth.
72 However, once the foregoing requirements of this subsection have been complied with, and the
73 applicable document has been duly issued by the Department, the foregoing provisions of this subsection
74 shall not apply to persons who are not citizens of the United States but have, under the foregoing
75 provisions of this subsection, submitted proof that they have been granted permanent status in the
76 United States by an appropriate federal agency. Nevertheless, the foregoing provisions of this subsection
77 shall continue to apply to any application for a driver's license, commercial driver's license, temporary
78 driver's permit, learner's permit, motorcycle learner's permit, special identification card or renewal
79 thereof, when the applicant is not a citizen of the United States and his presence in the United States is
80 subject to a visa or other temporary status document issued by an appropriate federal agency.

81 Notwithstanding any other provision of Chapter 3 (§ 46.2-300 et seq.) of this title, no driver's
82 license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's
83 permit, or special identification card issued to any applicant shall be (i) valid for a length of time that
84 exceeds the length of time during which the applicant is permitted by federal law to be present in the
85 United States or (ii) issued to any person whose presence in the United States is not in conformity with
86 federal law. No driver's license, commercial driver's license, temporary driver's permit, learner's permit,
87 motorcycle learner's permit, or special identification card shall be issued to any applicant when the
88 length of time he is permitted by federal law to be present in the United States is less than one year;
89 however, the Commissioner may waive this prohibition on a case-by-case basis for good cause shown.

90 Every driver's license, commercial driver's license, temporary driver's permit, learner's permit,
91 motorcycle learner's permit, and special identification card issued under this subsection to a person who
92 is not a United States citizen shall state on its face either that the person to whom it is issued is a
93 permanent immigrant or that he is a temporary immigrant.

94 The provisions of this subsection shall not apply to persons applying for renewals of driver's
95 licenses, commercial driver's licenses, temporary driver's permits, learner's permits, or motorcycle
96 learner's permits.

97 C. Every applicant for a driver's license, commercial driver's license, temporary driver's permit,
98 learner's permit, motorcycle learner's permit, or special identification card shall also certify that he is a
99 resident of the Commonwealth by signing a certification statement, on a form prescribed by the
100 Commissioner, and by providing satisfactory proof that he is a resident of the Commonwealth. No
101 driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle
102 learner's permit, or special identification card shall be issued to or renewed for any person who is not a
103 resident of Virginia. The Commissioner may adopt regulations to determine the process by which
104 applicants prove that they are residents of the Commonwealth. The Commissioner may, on a
105 case-by-case basis, waive any provision of such regulations for good cause shown, provided that,
106 neither an immigration visa nor a signed written statement, whether or not such statement is notarized,
107 wherein the maker of the statement vouches for the Virginia residency of the applicant, shall be an
108 acceptable proof of Virginia residency.

109 If the applicant is a minor, the applicant's parent or guardian shall also certify that the applicant is
110 a resident by signing the certification. Any minor providing proper evidence of the solemnization of his
111 marriage or a certified copy of a court order of emancipation shall not be required to provide the
112 parent's certification of residence.

113 The provisions of this subsection shall not apply to persons applying for renewals of driver's
114 licenses, commercial driver's licenses, temporary driver's permits, learner's permits, or motorcycle
115 learner's permits.

116 D. It shall be unlawful for any applicant for a driver's license, commercial driver's license,
117 temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or
118 renewal thereof knowingly to make a false statement or certification or supply false or fictitious
119 evidence in connection with any of the information required to be provided to the Department under this
120 section. Any violation of this section shall be punished as provided in § 46.2-348.

121 E. If the Commissioner receives from any court or any state or federal law-enforcement agency

reliable and convincing evidence or information that the presence in the United States of any person to whom a Virginia driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card has been issued is no longer in conformity with federal law, the Commissioner shall suspend any such document and provide notice of such suspension to the person's most recent address as shown in the records of the Department. If the person has not, within sixty days, provided to the Commissioner proof or proofs, in a number and form satisfactory to the Commissioner, that his presence in the United States is in conformity with federal law, the Commissioner shall revoke any driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card to such person.

F. In the event of a conflict between the provisions of this section and any provision of Chapter 3 (§ 46.2-300 et seq.) of this title, the provisions of this section shall be controlling.

§ 46.2-308. Temporary exemption for new resident licensed under laws of another state; privately owned vehicle driver's licenses.

A resident over the age of sixteen years who has been duly licensed as a driver under a law of another state or country requiring the licensing of drivers shall, for the first ~~thirty~~ sixty days of his residency in the Commonwealth, be permitted, without a Virginia license, to drive a motor vehicle on the highways of the Commonwealth.

Persons to whom military privately-owned vehicle driver's licenses have been issued by the Department of Defense shall, for the first ~~thirty~~ sixty days of their residency in the Commonwealth, be permitted, without a Virginia license, to drive motor vehicles on the highways of the Commonwealth.

§ 46.2-323. Application for driver's license; proof of completion of driver education program; penalty.

A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty to register with the Department of State Police as provided in § 19.2-298.1, if the applicant has been convicted of a felony in violation of §§ 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-370 or § 18.2-370.1 or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection B of § 18.2-361 or subsection B of § 18.2-366, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1 whether sentenced as adults or juveniles, or a felony under a substantially similar law of the United States or any other state.

B. Every application shall state the name, year, month and date of birth, social security number, sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation. The Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit may require the surrender of any driver's license or, in the case of a motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant. The applicant shall also answer any questions on the application form or otherwise propounded by the Department incidental to the examination. The applicant may also be required to present to the person conducting the examination a birth certificate or other evidence, reasonably acceptable to the Department, of his name and date of birth.

The applicant shall also certify that he is a resident of the Commonwealth by signing a certification statement, on a form prescribed by the Commissioner, and by providing satisfactory proof that he is a resident of the Commonwealth. The Commissioner may adopt regulations to determine the process by which applicants prove that they are residents of the Commonwealth.

If the applicant either (i) fails or refuses to sign the certification statement or (ii) fails to follow the process determined by the Commissioner for proving residency, the Department shall not issue the applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

Any applicant who knowingly makes a false certification of Virginia residency or supplies false or fictitious evidence of Virginia residency shall be punished as provided in § 46.2-348.

The Commissioner may, on a case-by-case basis, waive any provision of such regulations for good cause shown.

C. Every application for a driver's license shall include a color photograph of the applicant supplied under arrangements made by the Department. The photograph shall be processed by the Department so that the photograph can be made part of the issued license.

D. Notwithstanding the provisions of § 46.2-334, every unlicensed applicant for a driver's license who is under nineteen years of age shall furnish the Department with satisfactory proof of his successful completion of a driver education program approved by the State Department of Education.

§ 46.2-324. Applicants and license holders to notify Department of change of address.

Whenever any person, after applying for or obtaining a driver's license shall move from the address

shown in the application or on the license, he shall, within thirty days, notify the Department of his change of address. *If any person, other than a person who (i) is on active duty with the armed forces of the United States, (ii) provides proof that he is a U.S. citizen and resides outside the United States for because of his employment or the employment of a spouse or parent, or (iii) provides proof satisfactory to the Commissioner that he is a bona fide resident of Virginia, notifies the Department that his residence address has changed to a non-Virginia address, the Department shall (i) mail, by first-class mail, no later than three days after the notice of address change is received by the Department, notice to the person that his license will be cancelled by the Department and (ii) cancel the driver's license ten days after notice of license cancellation has been mailed.*

There may be imposed upon anyone failing to ~~comply with~~ notify the Department of his change of address as required by this section a fee of five dollars, which fee shall be used to defray the expenses incurred by the Department.

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

A. 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. 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 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.

C. 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 vision examination for any applicant 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 who is at least twenty-one years old 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. Such written test shall not be waived for an applicant less than twenty-one years old if he has one or more such convictions. However, in no case shall there be any waiver of the 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.

D. 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.

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

§ 46.2-334. Conditions and requirements for licensure of persons under eighteen; requests for cancellation of minor's driver's license; temporary driver's licenses; Board of Education approved programs; fee.

A. Minors at least sixteen years and three months old may be issued driver's licenses under the following conditions:

1. The minor shall submit a proper application and satisfactory evidence that he (i) is a resident of the Commonwealth; (ii) has successfully completed a driver education course approved by either the State Department of Education or, in the case of a course offered by a commercial driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, by the Department of Motor Vehicles; and (iii) is mentally, physically, and otherwise qualified to drive a motor vehicle safely.

2. The minor's application for a driver's license must be signed by a parent of the applicant, otherwise by the guardian having custody of him. However, in the event a minor has no parent or guardian, then a driver's license shall not be issued to him unless his application is signed by the judge of the juvenile and domestic relations district court of the city or county in which he resides. If the

minor making the application is married or otherwise emancipated, in lieu of any parent's, guardian's or judge's signature, the minor may present proper evidence of the solemnization of the marriage or the order of emancipation.

3. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations district court or found by such court to be a child in need of supervision, as defined in § 16.1-228. If it appears that the minor has been adjudged not innocent of the offense alleged or has been found to be a child in need of supervision, the Department shall not issue a license without the written approval of the judge of the juvenile and domestic relations district court making an adjudication as to the minor or the like approval of a similar court of the county or city in which the parent or guardian, respectively, of the minor resides.

4. The application for a permanent driver's license by a minor of the age of persons required to attend school pursuant to § 22.1-254 shall be accompanied by evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1. This evidence shall be provided in writing by the minor's parent. If the minor is unable to provide such evidence, he shall not be granted a driver's license until he reaches the age of eighteen or presents proper evidence of the solemnization of his marriage or an order of emancipation, or the parent, as defined in § 22.1-1, or other person standing in loco parentis has provided written authorization for the minor to obtain a driver's license.

A minor may, however, present a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4 as evidence of compulsory school attendance compliance.

5. ~~The minor applicant shall certify in writing, on a form prescribed by the Commissioner, that he is a resident of the Commonwealth. The applicant's parent or guardian shall also certify that the applicant is a resident by signing the certification. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the parent's certification of residence.~~

B. Any custodial parent or guardian of an unmarried or unemancipated minor may, after the issuance of a permanent driver's license to such minor, file with the Department a written request that the license of the minor be canceled. When such request is filed, the Department shall cancel the license of the minor and the license shall not thereafter be reissued by the Department until a period of six months has elapsed from the date of cancellation or the minor reaches his eighteenth birthday, whichever shall occur sooner. Notwithstanding the foregoing provisions of this subsection, in the case of a minor whose parents have been awarded joint legal custody, a request that the license of the minor be cancelled must be signed by both legal custodians. In the event one parent is not reasonably available or the parents do not agree, one parent may petition the juvenile and domestic relations district court to make a determination that the license of the minor be cancelled.

C. The provisions of subsection A of this section requiring that an application for a driver's license be signed by the parent or guardian shall be waived by the Commissioner if the application is accompanied by proper evidence of the solemnization of the minor's marriage or a certified copy of a court order, issued under the provisions of Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, declaring the applicant to be an emancipated minor.

D. A learner's permit accompanied by documentation verifying the minor's successful completion of an approved driver education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for purposes of driving unaccompanied by a licensed driver as required in § 46.2-335, if all other requirements of this chapter have been met. The temporary license shall only be valid until the permanent license is presented as provided in § 46.2-336.

E. Notwithstanding the provisions of subsection A of this section requiring the successful completion of a driver education course approved by the State Department of Education, the Commissioner, on application therefor by a person at least sixteen years and three months old but less than eighteen years old, shall issue to the applicant a temporary driver's license valid for six months if he (i) certifies by signing, together with his parent or guardian, on a form prescribed by the Commissioner that he is a resident of the Commonwealth; (ii) is the holder of a valid driver's license from another state; and (iii) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle. No temporary license issued under this subsection shall be renewed, nor shall any second or subsequent temporary license under this subsection be issued to the same applicant. Any such minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to obtain the signature of his parent or guardian for the temporary driver's license.

F. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by commercial driver training schools licensed by the

306 Department, the application for the learner's permit shall be used as the application for the driver's
307 license pursuant to § 46.2-335.

308 G. Driver's licenses shall be issued by the Department to minors successfully completing driver
309 education courses approved by the Department of Education (i) when the Department receives from the
310 school proper certification that the student (a) has successfully completed such course, including a road
311 skills examination and (b) is regularly attending school and is in good academic standing or, if not in
312 such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor,
313 provides written authorization for the minor to obtain a driver's license, which written authorization shall
314 be obtained on forms provided by the Department and indicating the Commonwealth's interest in the
315 good academic standing and regular school attendance of such minors; and (ii) upon payment of a fee of
316 \$2.40 per year, based on the period of the license's validity. For applicants attending public schools,
317 good academic standing may be certified by the public school principal or any of his designees. For
318 applicants attending nonpublic schools, such certification shall be made by the private school principal
319 or any of his designees; for minors receiving home schooling, such certification shall be made by the
320 home schooling parent or tutor. Any minor providing proper evidence of the solemnization of his
321 marriage or a certified copy of a court order of emancipation shall not be required to provide the
322 certification of good academic standing or any written authorization from his parent or guardian to
323 obtain a driver's license.

324 § 46.2-341.11. Commercial drivers required to notify the Department of change of address.

325 A. If any person who is licensed by the Department to drive a commercial motor vehicle changes the
326 mailing or residential address he most recently submitted to the Department, such person shall notify the
327 Department in writing within thirty days after his change of address. *If any person, other than a person*
328 *who (i) is on active duty with the armed forces of the United States, (ii) provides proof that he is a U.S.*
329 *citizen and resides outside the United States because of his employment or the employment of a spouse*
330 *or parent, or (iii) provides proof satisfactory to the Commissioner that he is a bona fide resident of*
331 *Virginia, notifies the Department that his residence address has changed to a non-Virginia address, the*
332 *Department shall (i) mail, by first class mail, no later than three days after the notice of address change*
333 *is received by the Department, notice to the person that his license will be cancelled by the Department*
334 *and (ii) cancel the driver's license ten days after notice of license cancellation has been mailed.*

335 B. Any ~~violation~~ person who fails to notify the Department of his change of address in accord with
336 the provisions of this subsection shall ~~constitute~~ be guilty of a traffic infraction.

337 § 46.2-341.15. Commercial driver's license document.

338 A. The commercial driver's license issued by the Department shall be identified as a Virginia
339 commercial driver's license and shall include at least the following:

- 340 1. Full name, a Virginia address, and signature of the licensee;
341 2. A color photograph of the licensee;
342 3. A physical description of the licensee, including sex and height;
343 4. The licensee's date of birth and Social Security number;
344 5. A designation of the class and type of commercial motor vehicle or vehicles which the licensee is
345 authorized to drive, together with any restrictions; and
346 6. The date of license issuance and expiration.

347 B. The commercial driver's instruction permit shall be identified as such but shall in all other
348 respects conform to subsection A of this section.

349 § 46.2-342. What license to contain; organ donor information; Uniform Donor Document.

350 A. Every license issued under this chapter shall bear:

- 351 1. For new, renewal, or replacement licenses issued on or after September 1, 1995, either (i) a
352 license number which shall be the same as the licensee's social security number or (ii) a control number
353 which shall be assigned by the Department to the licensee if he either (i) has no social security number
354 or (ii) requests in writing on a form prescribed by the Commissioner that his social security number not
355 be shown on the license;
356 2. A color photograph of the licensee;
357 3. The licensee's name, year, month, and date of birth;
358 4. The licensee's address, *subject to the provisions of subsection A. 1.*;
359 5. A brief description of the licensee for the purpose of identification;
360 6. A space for the signature of the licensee; and

361 7. Any other information deemed necessary by the Commissioner for the administration of this title.

362 No abbreviated names or nicknames shall be shown on any license.

363 A1. At the option of the licensee, the address shown on the license may be either the post office
364 box, business, or residence address of the licensee, *provided such address is located in Virginia.*
365 However, regardless of which address is shown on the license, the licensee shall supply the Department
366 with his residence address, *which shall be an address in Virginia.* This residence address shall be
367 maintained in the Department's records. Whenever the licensee's address shown either on his license or

in the Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

B. The license shall be made of a material and in a form to be determined by the Commissioner.

C. Licenses issued to persons less than twenty-one years old shall be immediately and readily distinguishable from those issued to persons twenty-one years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least fifteen years old but less than twenty-one years old. These descriptors shall include the month, day, and year when the person will become twenty-one years old.

D. The Department shall establish a method by which an applicant for a driver's license or an identification card may designate his willingness to be an organ donor as provided in Article 2 (§ 32.1-289 et seq.) of Chapter 8 of Title 32.1 and shall cooperate with the Virginia Transplant Council to ensure that such method is designed to encourage organ donation with a minimum of effort on the part of the donor and the Department.

E. If an applicant designates his willingness to be a donor pursuant to subsection D, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record.

F. The donor designation authorized in subsection E shall be sufficient legal authority for the removal, following death, of the subject's organs or tissues without additional authority from the donor, or his family or estate. No family member, guardian, agent named pursuant to an advance directive or person responsible for the decedent's estate shall refuse to honor the donor designation or, in any way, seek to avoid honoring the donor designation.

G. The donor designation provided pursuant to subsection D may be rescinded by notifying the Department.

H. With the written consent of his parent or legal guardian, a minor may make a donor designation.

I. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant is an insulin-dependent diabetic.

J. In the absence of gross negligence or willful misconduct, the Department and its employees shall be immune from any civil or criminal liability in connection with the making of or failure to make a notation of donor designation on any license or card or in any person's driver record.

K. Notwithstanding the foregoing provisions of this section, the Department shall continue to use the uniform donor document, as formerly set forth in subsection D above, for organ donation designation until such time as a new method is fully implemented, which shall be no later than July 1, 1994. Any such uniform donor document, shall, when properly executed, remain valid and shall continue to be subject to all conditions for execution, delivery, amendment, and revocation as set out in Article 2 (§ 32.1-289 et seq.) of Chapter 8 of Title 32.1.

L. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor information brochure describing the organ donor program and providing instructions for completion of the uniform donor document information describing the bone marrow donation program and instructions for registration in the National Bone Marrow Registry. The Department shall include a copy of such brochure with every driver's license renewal notice or application mailed to licensed drivers in Virginia.

§ 46.2-343. Persons whose driver's license is lost, stolen, or destroyed to apply for renewal of the license; reissuance of driver's licenses upon termination of certain restrictions; fees.

A. If a driver's license issued under the provisions of this chapter is lost, stolen, or destroyed, the person to whom it was issued shall apply for a renewal of the license pursuant to §§ 46.2-203.2 and 46.2-330.

~~If a driver's license or learner's permit issued under the provisions of this chapter is lost, stolen, or destroyed, the person to whom it was issued may obtain a duplicate or substitute thereof on furnishing proof satisfactory to the Department that his license or permit has been lost, stolen, or destroyed, or that there are good reasons why a duplicate should be issued.~~

~~There shall be a fee of five dollars for each duplicate license and two dollars for each duplicate learner's permit. An additional fee of five dollars shall be charged to add or change the scene on a duplicate license or duplicate learner's permit.~~

There shall be a fee of five dollars for reissuance of any driver's license upon the termination of driving restrictions imposed upon the licensee by the Department or a court. An additional fee of five dollars shall be charged to add or change the scene on a license upon reissuance.

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

A. On the application of any person who is a resident of the Commonwealth or the parent or legal guardian of any such person who is under the age of fifteen, the Department shall issue a special identification card to the person provided:

- 429 1. Application is made on a form prescribed by the Department;
430 2. The applicant presents a birth certificate or other evidence acceptable to the Department of his
431 name and date of birth; ~~and~~
432 3. The Department is satisfied that the applicant needs an identification card or the applicant shows
433 he has a bona fide need for such a card; *and*
434 4. *The applicant does not hold a driver's license, commercial driver's license, temporary driver's*
435 *permit, learner's permit, or motorcycle learner's permit.*
436 B. The fee for the issuance of a special identification card is five dollars. Persons twenty-one years
437 old or older may be issued a scenic special identification card for an additional fee of five dollars.
438 C. A special identification card shall expire five years from its date of issuance except that those
439 cards issued to children under the age of fifteen shall expire on the child's fifteenth birthday or five
440 years from the date of issuance, whichever occurs first.
441 D. A special identification card issued under this section may be similar in size, shape, and design to
442 a driver's license, and include a color photograph of its holder, but the card shall be readily
443 distinguishable from a driver's license and shall clearly state that it does not authorize the person to
444 whom it is issued to drive a motor vehicle.
445 E. Special identification cards, for persons at least fifteen years old but less than twenty-one years
446 old, shall be immediately and readily distinguishable from those issued to persons twenty-one years old
447 or older. Distinguishing characteristics shall include unique design elements of the document and
448 descriptors within the photograph area to identify persons who are at least fifteen years old but less than
449 twenty-one years old. These descriptors shall include the month, day, and year when the person will
450 become twenty-one years old.
451 F. Special identification cards for persons under age fifteen shall bear a full face photograph. The
452 special identification card issued to persons under age fifteen shall be readily distinguishable from a
453 driver's license and from other special identification cards issued by the Department. Such cards shall
454 clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.
455 G. Any personal information, as identified in § 2.2-3801, which is retained by the Department from
456 an application for the issuance of a special identification card is confidential and shall not be divulged to
457 any person, association, corporation, or organization, public or private, except to the legal guardian or
458 the attorney of the applicant or to a person, association, corporation, or organization nominated in
459 writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the
460 Department from furnishing the application or any information thereon to any law-enforcement agency.
461 H. Any person who uses a false or fictitious name or gives a false or fictitious address in any
462 application for an identification card or knowingly makes a false statement or conceals a material fact or
463 otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However,
464 where the name or address is given, or false statement is made, or fact is concealed, or fraud committed,
465 with the intent to purchase a firearm or where the identification card is obtained for the purpose of
466 committing any offense punishable as a felony, a violation of this section shall constitute a Class 4
467 felony.
468 I. The Department may promulgate regulations necessary for the effective implementation of the
469 provisions of this section.
470 J. The Department shall utilize the various communications media throughout the Commonwealth to
471 inform Virginia residents of the provisions of this section and to promote and encourage the public to
472 take advantage of its provisions.
473 **2. That § 46.2-323.1 of the Code of Virginia is repealed.**
474 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
475 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
476 **be determined for periods of imprisonment in state adult correctional facilities and is \$0 for**
477 **periods of commitment to the custody of the Department of Juvenile Justice.**