

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 975

*An Act to amend and reenact §§ 46.2-330 and 46.2-1521 of the Code of Virginia, to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 46.2 sections numbered 46.2-221.2, 46.2-221.3 and 46.2-221.4 and by adding in Chapter 1 of Subtitle I of Title 54.1 a section numbered 54.1-117, and to repeal § 46.2-331 of the Code of Virginia, relating to expiration of certain documents issued to citizens of Virginia serving in the Armed Forces of the United States or in the diplomatic service of the United States.*

[H 319]

Approved April 15, 2004

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-330 and 46.2-1521 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 46.2 sections numbered 46.2-221.2, 46.2-221.3, and 46.2-221.4 and by adding in Chapter 1 of Subtitle I of Title 54.1 a section numbered 54.1-117 as follows:**

*§ 46.2-221.2. Expiration of extension of driver's licenses issued to persons in armed services or diplomatic service of the United States.*

*Notwithstanding any contrary provision of law, any driver's license that is issued by the Department under Chapter 3 (§ 46.2-300 et seq.) of this title shall be held not to have expired during the period of the licensee's service outside the Commonwealth, in the armed services of the United States or as a member of the diplomatic service of the United States, appointed under the Foreign Service Act of 1946, serving outside the United States and 60 days thereafter. However, no extension granted under this section shall exceed five years from the date of expiration shown on the individual's driver's license. The Department shall furnish any person whose driver's license is extended under this section documentary or other proof, when operating any motor vehicle, that he is entitled to the benefits of this section.*

*For the purposes of this section "service in the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.*

*§ 46.2-221.3. Grace period for business credentialing for armed forces personnel returning from duty outside the United States.*

*Owners or operators of businesses and other persons licensed or credentialed in the Commonwealth by the Department who have served outside of the United States in the armed services of the United States shall have a 60-day grace period, beginning on the date they are no longer serving outside the United States, during which they may reopen the business or again perform credentialed activities prior to complying with the business license, certificate, permit, or other such business and professional credential requirements of this title.*

*To be eligible for the grace period, persons qualifying under this section shall:*

*1. Have held a valid license, permit, certificate, or other such business or professional credential issued by the Department at the time the person began service in the armed forces outside of the United States; and*

*2. Not operate the business or perform credentialed activities during the period of the person's military service.*

*Prior to reopening the business or again performing credentialed activities during the 60-day grace period, persons qualifying under this section shall notify the Department of their intentions and verify that they are in compliance with all other requirements established by the Department and set forth in this title relating to their business or profession. Such persons shall have in their possession, while operating the business or performing credentialed activities, (i) orders or other military documentation demonstrating that they are entitled to the benefits of this section, and (ii) the latest license, certificate, permit, or other such business or professional credential issued to them by the Department.*

*For the purposes of this section "service in the armed services" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.*

*§ 46.2-221.4. Grace period for replacement of license plates or decals and registrations for certain active duty military personnel stationed outside the United States.*

*Owners or lessees of vehicles registered in the Commonwealth who have served outside of the United States in the armed services of the United States shall have a 60-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the vehicle registration requirements of this title.*

*To be eligible for the grace period, the vehicle shall:*

*1. Be owned or leased by a person or persons qualifying under this section;*

2. Have had valid registration issued by the Department at the time the owner began service in the armed forces outside of the United States;
3. Comply with the financial responsibility requirements of this title;
4. Display the latest license plates and decals issued by the Department for the vehicle; and
5. Be operated only by persons qualifying under this section while possessing:
  - a. Orders or other military documentation demonstrating that they are entitled to the benefits of this section; and
  - b. The latest registration card issued by the Department for the vehicle.

Nothing in this section shall be construed to prohibit any person or persons who own or lease vehicles registered in the Commonwealth and are currently serving outside of the United States in the armed services of the United States from complying, when possible and as necessary, with the vehicle registration requirements of this title during the period of service outside the United States or while on leave in Virginia.

For the purposes of this section "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

The provisions of this section shall not apply to special license plates issued to members of the National Guard under § 46.2-744.

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

A. Every driver's license shall expire on the applicant's birthday 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 on or before the birthday 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 21 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 21 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~~ 46.2-221.2.

§ 46.2-1521. Issuance, expiration, and renewal of licenses and certificates of registration.

A. All licenses and certificates of registration issued under this chapter shall be issued for a period of ~~twelve~~ 12 consecutive months except, at the discretion of the Board, the periods may be adjusted as is necessary to distribute the licenses and certificates as equally as practicable on a monthly basis. The expiration date shall be the last day of the twelfth month of validity or the last day of the designated month. Every license and certificate of registration shall be renewed annually on application by the licensee or registrant and by payment of fees required by law, the renewal to take effect on the first day of the succeeding month.

B. Licenses and certificates of registration issued under this chapter shall be deemed not to have expired if the renewal application and required fees as set forth in this subsection are received by the

Board or postmarked not more than ~~thirty~~ 30 days after the expiration date of such license or certificate of registration. Whenever the renewal application is received by the Board or postmarked no more than ~~thirty~~ 30 days after the expiration date of such license or certificate of registration, the license fees shall be 150 percent of the fees provided for in § 46.2-1519.

*C. For dealers and salespersons who have served outside of the United States in the armed services of the United States, licenses and certificates issued under this chapter shall be deemed not to have expired if the renewal application and required fees as set forth in § 46.2-1519 are received by the Board or postmarked not more than 60 days from the date they are no longer serving outside the United States and they have:*

*1. Held a valid license or certificate issued by the Board at the time the person began service in the armed forces outside of the United States;*

*2. Not performed sales activities during the period of the person's military service; and*

*3. Submitted to the Board orders or other military documentation demonstrating that they have served outside of the United States in the armed services of the United States and it has been less than 61 days from the date they are no longer serving outside the United States.*

*Prior to renewing a license or certificate under this subsection, the applicant shall notify the Board of their intentions and verify that they are in compliance with all other requirements established by the Board and set forth in this title.*

*D. The Board may offer an optional ~~multi-year~~ multiyear license. When such option is offered and chosen by the licensee, all annual and ~~twelve~~ 12-month fees due at the time of licensing shall be multiplied by the number of years or fraction thereof for which the license will be issued.*

*§ 54.1-117. Expiration of documents issued to persons in service in the armed services of the United States.*

*Notwithstanding any contrary provision of law, any license, permit, certificate, or other document, however styled or denominated, that is related to the practice of any business, profession, or calling and issued under this title to any citizen of the Commonwealth shall be held not to have expired during the period of such person's service outside the United States, in the armed services of the United States or as a member of the diplomatic service of the United States, appointed under the Foreign Service Act of 1946, serving outside the United States and 60 days thereafter. However, no extension granted under this section shall exceed five years from the date of expiration of the document.*

*For the purposes of this section "service in the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.*

**2. That § 46.2-331 of the Code of Virginia is repealed.**