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HOUSE BILL NO. 1197

Offered January 14, 2004

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A BILL to amend and reenact § 46.2-330 of the Code of Virginia, relating to vision tests for certain driver's license applicants; study; report.

Patron—Scott, J.M.

Referred to Committee on Transportation

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 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 provisions of subsections A and B*, 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. *Notwithstanding the provisions of subsection C, any licensee, otherwise eligible for issuance or renewal of a driver's license, who is 80 years old or older shall submit to and pass a vision test administered by the Department or, if the licensee applies other than in person, he shall submit to a vision test administered by a Virginia-licensed physician or a Virginia-licensed optometrist and transmit the results of that test to the Department in a manner and form prescribed by the Commissioner, indicating that the applicant meets vision standards equivalent to those for passing the Department's vision test. No licensee who is 80 years old or older shall submit an application for issuance or renewal of a driver's license other than in person unless the results of a vision test have been transmitted in advance by a physician or optometrist as provided in this subsection.*

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.

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

2. That the Department of Motor Vehicles shall study the effects of aging on driving ability, for the purpose of developing a comprehensive approach to licensing drivers. Such study shall include

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59 the consideration of: (i) effective and efficient identification of drivers at risk of being involved in
60 a motor vehicle accident because of functional limitations that affect their driving ability; (ii)
61 prevalence and effect of degenerative processes affecting vision, hearing, mobility, cognitive
62 functions and reaction time; (iii) implementation and effect of the Department's vision screening
63 requirements and examination of new technologies; (iv) availability and effectiveness of remedial
64 measures, such as skills training, adaptive equipment, physical therapy, and adjustment of driving
65 practices that will allow people to drive safely for as long as possible; (v) availability of alternative
66 forms of transportation for people who can no longer safely drive; and (vi) effectiveness of existing
67 public education initiatives relating to at-risk drivers. The Department shall report the results of
68 the study to the Governor and the 2005 Regular Session of the General Assembly