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HOUSE BILL NO. 92

Offered January 14, 2004

Prefiled December 16, 2003

A BILL to amend and reenact §§ 46.2-328 and 46.2-1158 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-337.1, relating to operation and safety inspections of certain vans.

 Patron—Shuler

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-328 and 46.2-1158 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 46.2-337.1 as follows:

§ 46.2-328. Department to issue licenses; endorsements, classifications, and restrictions authorizing operation of certain vehicles.

A. The Department shall issue *a driver's license* to every person licensed as a driver; ~~a driver's license~~. Every driver's license shall contain all appropriate endorsements, classifications, and restrictions, where applicable, if the licensee has been licensed:

1. To operate a motorcycle as defined in § 46.2-100; or
2. To operate a school bus as defined in § 46.2-100; or
3. *To operate a van capable of transporting at least nine but no more than 15 passengers, including the driver, when the van is used to transport passengers for or on behalf of any church; school; day care center, program or facility; or any other public or quasi-public entity; or*

4. To operate a commercial motor vehicle pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

B. Every applicant intending to operate one or more of the motor vehicles described in subsection A of this section, when applying for a driver's license, shall state in his application the classification of the vehicle or vehicles that he intends to operate and for which he seeks to be licensed and submit to and pass the examination provided for in § 46.2-325 and, if applicable, §§ 46.2-337 and 46.2-341.14, using the type of vehicle or vehicles for which he seeks to be licensed.

C. Every applicant intending to drive a motorcycle, when applying for a license endorsed to authorize the driving of a motorcycle, shall submit to and pass the examination provided for in § 46.2-337. A classification on any license to drive a motorcycle shall indicate that the license is classified for the purpose of authorizing the licensee to drive only motorcycles. However, if the applicant has a valid license at the time of application for a classification to drive a motorcycle, or if the applicant, at the time of such application, applies for a regular driver's license and submits to and passes the examination provided for in § 46.2-325, he shall be granted a classification on his license to drive motorcycles in addition to any other vehicles his driver's license or commercial driver's license may authorize him to operate.

D. The Department may make any changes in the classifications and endorsements during the validity of the license as may be appropriate.

E. The provisions of this section shall be applicable to persons applying for learner's permits as otherwise provided for in this title.

F. Every person issued a driver's license or commercial driver's license who drives any motor vehicle of the classifications in this section, and whose driver's license does not carry an endorsement or indication that the licensee is licensed as provided in this section shall be guilty of a Class 1 misdemeanor.

§ 46.2-337.1. Examination and road test required for license to operate certain vans; regulations.

No person shall drive any van capable of transporting at least nine but no more than 15 passengers, including the driver, when the van is used to transport passengers for or on behalf of any church; school; day care center, program or facility; or any other public or quasi-public entity unless he has passed a special examination, including written material and a road test, pertaining to his ability to drive such a vehicle with reasonable competence and with safety to other persons using the highways. The Department shall adopt regulations as may be necessary to provide for the special examination under § 46.2-325 of persons desiring to qualify to drive such vehicles in the Commonwealth and for the granting of licenses or permits suitably endorsed for qualified applicants.

§ 46.2-1158. Frequency of inspection; scope of inspection.

Motor vehicles, trailers, and semitrailers required to be inspected pursuant to the provisions of

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59 § 46.2-1157 shall be reinspected within ~~twelve~~12 months of the month of the first inspection and at least
60 once every ~~twelve~~12 months thereafter. *However, vans capable of transporting at least nine but no more*
61 *than 15 passengers, including the driver, when any such van is used or is intended to be used to*
62 *transport passengers for or on behalf of any church; school; day care center, program or facility; or*
63 *any other public or quasi-public entity, shall be inspected at least once every six months.*

64 Each inspection shall be a complete inspection. A reinspection of a rejected vehicle by the same
65 station during the period of validity of the rejection sticker on such vehicle, however, need only include
66 an inspection of the item or items previously found defective unless there is found an obvious defect
67 that would warrant further rejection of the vehicle.

68 A rejection sticker shall be valid for ~~fifteen~~15 calendar days beyond the day of issuance. A complete
69 inspection shall be performed on any vehicle bearing an expired rejection sticker.