

# VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

## CHAPTER 190

*An Act to amend and reenact §§ 46.2-325, 46.2-328, 46.2-332, 46.2-337, and 46.2-1190.2 of the Code of Virginia, relating to issuance of a license to operate a motorcycle.*

[H 2177]

Approved March 9, 2007

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

**1. That §§ 46.2-325, 46.2-328, 46.2-332, 46.2-337, and 46.2-1190.2 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-325. Examination of applicants; waiver of Department's examination under certain circumstances.

The Department shall examine every applicant for a driver's license before issuing any license to determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without jeopardizing the safety of persons or property and (ii) if any facts exist which would bar the issuance of a license under §§ 46.2-311 through 46.2-316, 46.2-334 or § 46.2-335. The examination, however, shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this chapter. No applicant otherwise competent shall be required to demonstrate ability to park any motor vehicle except in an adequate parking space between horizontal markers, and not between flags or sticks simulating parked vehicles. ~~Applicants~~ *Except as provided for in § 46.2-337, applicants* for licensure to drive motor vehicles of the classifications referred to in § 46.2-328 shall submit to examinations which relate to the operation of those vehicles.

Except for applicants subject to § 46.2-312, if the Commissioner is satisfied that an applicant has demonstrated the same proficiency as required by the Department's examination through successful completion of either (i) the driver education course approved by the Department of Education or (ii) a driver training course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, he may waive those parts of the Department's examination provided for in this section that require the applicant to drive and park a motor vehicle.

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

A. The Department shall issue 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 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~~ *classification* 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.

*A valid Virginia driver's license issued to a person 19 years of age or older accompanied by documentation verifying his successful completion of a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10 shall constitute a driver's license with a temporary motorcycle classification for the purposes of driving a motorcycle. The temporary motorcycle classification shall only be valid for 30 days from the date of successful completion of the motorcycle rider safety training course as shown on the documentation evidencing completion of such course.*

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.

#### § 46.2-332. Fees.

On and after January 1, 1990, the fee for each driver's license other than a commercial driver's license shall be two dollars and forty cents per year. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be six dollars per year. Persons twenty-one years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license for an additional fee of five dollars. For any one or more driver's license endorsements *or classifications*, except a motorcycle ~~endorsement~~ *classification*, there shall be an additional fee of one dollar per year; for a motorcycle ~~endorsement~~ *classification*, there shall be an additional fee of two dollars per year. For any and all driver's license classifications, there shall be an additional fee of one dollar per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be five dollars.

A reexamination fee of two dollars shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is eighteen years of age or older if taken more than once within a fifteen-day period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination, if taken prior to the fifteenth day.

An applicant who is less than eighteen years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in fifteen days.

If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

No additional fee above two dollars and forty cents per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

Excluding the two-dollar reexamination fee, one dollar and fifty cents of all fees collected for each original or renewal driver's license shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

All fees for motorcycle ~~endorsements~~ *classifications* shall be distributed as provided in § 46.2-1191.

This section shall supersede conflicting provisions of this chapter.

#### § 46.2-337. Examination and road test required for license to operate motorcycle; regulations.

No person shall drive any motorcycle on a highway in the Commonwealth unless he has passed a special examination, including written material and a road test, pertaining to his ability to drive a motorcycle 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 motorcycles in the Commonwealth and for the granting of licenses or permits suitably endorsed for qualified applicants.

*No person applying for a classification to authorize the driving of a motorcycle who fails the road test portion of the special examination two times shall be eligible for such classification until he successfully completes a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10.*

*If the Commissioner is satisfied that a person intending to operate a motorcycle has demonstrated the same proficiency as required by the special examination through successful completion of a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10, he may waive the written material or road test portion or both portions of the special examination.*

#### § 46.2-1190.2. Facilities and equipment; requirements and approval.

A. A training center shall possess or have access to the use of all classroom, range, storage facilities, and equipment. A training center's facilities and equipment shall be approved by the Department and include, but not be limited to:

1. A classroom for the presentation of the off-cycle instructional portion of the novice, experienced, and sidecar and three-wheeled motorcycle rider courses;

2. A paved range area for the on-cycle portion of the novice, experienced rider, and sidecar and three-wheeled motorcycle courses ~~with a minimum size of 90 feet by 160 feet and a minimum of 20 feet of run-out room~~ *consistent with the minimum range requirements established by the*

*Department-approved curriculum used in the course;*

3. For those agencies, organizations, businesses and individuals that apply to receive reimbursement, adequate storage to protect motorcycles and equipment from vandalism, theft, and environmental damage;

4. Audio-visual equipment; and

5. Fire extinguisher and first aid kit.

B. The training center shall be responsible for procuring and providing a minimum of one motorcycle that may lawfully be operated on the highways of the Commonwealth, has an engine displacement of no more than 500 cubic centimeters, weighs less than 400 pounds, and is equipped with a seat whose height will accommodate each novice rider course participant. Each participant in the experienced rider course shall provide a motorcycle for use in the course. One sidecar rig or three-wheeled motorcycle, provided by either a participant or the training center, shall be required for use by every two students in the sidecar and three-wheeled motorcycle course.

C. The training center shall be responsible for the normal maintenance and repair of all motorcycles it provides for each novice rider and sidecar and three-wheeled motorcycle course participant. All motorcycles used in course instruction shall pass a safety inspection performed by the instructors prior to use in any motorcycle rider-training course.

D. The Department, or its authorized agent, shall inspect and approve each training center's facilities and equipment prior to issuance or renewal of a license.