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SENATE BILL NO. 1412

Offered January 19, 2007

A BILL to amend and reenact §§ 15.2-2286 and 46.2-208 of the Code of Virginia, relating to authority of a zoning administrator.

Patron—Cuccinelli

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2286 and 46.2-208 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307.

Whenever the zoning administrator has a reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit and after making a good faith effort to obtain the data, information, and attendance of witnesses necessary to determine whether such violation has occurred or is occurring is unable to obtain such data, information, or attendance, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena against any such person refusing to produce such data and information or refusing to appear as a witness, and the judge of such court may, upon good cause shown, cause the subpoena to be issued. Any witness subpoena issued under this paragraph shall include a statement that any statements made will be under oath and that the respondent or other witness is entitled to be represented by an attorney. Any person failing to comply with a subpoena issued under this section shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

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59 Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of
60 less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal
61 commercial uses, parking of commercial trucks in residential zoning districts, or similar short-term,
62 recurring violations.

63 Where provided by ordinance, the zoning administrator may be authorized to grant a modification
64 from any provision contained in the zoning ordinance with respect to physical requirements on a lot or
65 parcel of land, including but not limited to size, height, location or features of or related to any building,
66 structure, or improvements, if the administrator finds in writing that: (i) the strict application of the
67 ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties
68 in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not
69 be of substantial detriment to adjacent property and the character of the zoning district will not be
70 changed by the granting of the modification. Prior to the granting of a modification, the zoning
71 administrator shall give, or require the applicant to give, all adjoining property owners written notice of
72 the request for modification, and an opportunity to respond to the request within 21 days of the date of
73 the notice. The zoning administrator shall make a decision on the application for modification and issue
74 a written decision with a copy provided to the applicant and any adjoining landowner who responded in
75 writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall
76 constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning
77 appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the
78 circuit court as provided by § 15.2-2314.

79 The zoning administrator shall respond within 90 days of a request for a decision or determination
80 on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

81 5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any
82 such violation shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1,000.
83 If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or
84 remedy the violation in compliance with the zoning ordinance, within a time period established by the
85 court. Failure to remove or abate a zoning violation within the specified time period shall constitute a
86 separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any
87 such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for
88 each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

89 6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of
90 notices and other expenses incident to the administration of a zoning ordinance or to the filing or
91 processing of any appeal or amendment thereto.

92 7. For the amendment of the regulations or district maps from time to time, or for their repeal.
93 Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the
94 governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or
95 classifications of property. Any such amendment may be initiated (i) by resolution of the governing
96 body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract
97 purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the
98 subject of the proposed zoning map amendment, addressed to the governing body or the local planning
99 commission, who shall forward such petition to the governing body; however, the ordinance may
100 provide for the consideration of proposed amendments only at specified intervals of time, and may
101 further provide that substantially the same petition will not be reconsidered within a specific period, not
102 exceeding one year. Any such resolution or motion by such governing body or commission proposing
103 the rezoning shall state the above public purposes therefor.

104 In any county having adopted such zoning ordinance, all motions, resolutions or petitions for
105 amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such
106 reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or
107 consents to action beyond such period or unless the applicant withdraws his motion, resolution or
108 petition for amendment to the zoning ordinance or map, or both. In the event of and upon such
109 withdrawal, processing of the motion, resolution or petition shall cease without further action as
110 otherwise would be required by this subdivision.

111 8. For the submission and approval of a plan of development prior to the issuance of building
112 permits to assure compliance with regulations contained in such zoning ordinance.

113 9. For areas and districts designated for mixed use developments or planned unit developments as
114 defined in § 15.2-2201.

115 10. For the administration of incentive zoning as defined in § 15.2-2201.

116 11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that
117 would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange
118 for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the
119 higher zoning classification. The locality may establish reasonable guidelines for determining the amount
120 of excess real estate tax collected and the method and duration for applying the tax credit. For purposes

of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. (Repealed effective July 1, 2007) Provisions for the clustering of single-family dwellings so as to preserve open space.

a. A locality may, at its option, provide in its zoning or subdivision ordinance standards, conditions and criteria for clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions and criteria, the governing body may, in its discretion, include any provisions it determines appropriate to ensure quality development, preservation of open space and compliance with its comprehensive plan and land use ordinances. The density calculation of the cluster development shall be based upon the same criteria for the property as would otherwise be permitted by applicable land use ordinances. As a locality determines, at its option, to provide for clustering of single-family dwellings and the preservation of open space developments, it may vary provisions for such developments for each different zoning area within the locality.

If proposals for clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. However, any such ordinance may exempt (i) developments of two acres or less and (ii) property located in an Air Installation Compatible Use Zone from the provisions of this subdivision.

b. Additionally, in any zoning or subdivision ordinance adopted pursuant to subdivision A 12, a locality may, at its option, provide for the clustering of single-family dwellings and the preservation of open space at a density calculation greater than the density permitted in the applicable land use ordinance. To implement and approve such increased density development, the locality may, at its option, (i) establish and provide in its zoning or subdivision ordinance standards, conditions, and criteria for such development, and if the proposed development complies with those standards, conditions and criteria, it shall be permitted by right and approved administratively by the locality staff in the same manner provided in subdivision A 12 a, or (ii) approve the increased density development upon approval of a special exception, special use permit, conditional use permit or rezoning.

c. Any locality that provides for clustering of single-family dwellings and preservation of open space upon approval of a special exception, special use permit, conditional use permit or rezoning shall no later than July 1, 2004, amend its applicable land use ordinance to comply with the provisions of subdivision A 12. Any land use provisions for clustering of single-family dwellings and preservation of open space adopted after the effective date of this act shall comply with subdivision A 12. Notwithstanding any of the requirements of subdivision A 12 to the contrary, any local government land use ordinance in affect as of January 1, 2002, that provides for the clustering of single-family dwellings and preservation of open space development by right without requiring either a special exception, special use permit, conditional use permit or other discretionary approval may remain in effect at the option of the locality.

13. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

14. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

B. Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes owed to the locality which have been properly assessed against the subject property have been paid.

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;

182 2. Driver information, including all data that relates to driver's license status and driver activity; and
183 3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle
184 activity data.

185 B. The Commissioner shall release such information only under the following conditions:

186 1. Notwithstanding other provisions of this section, medical data included in personal data shall be
187 released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.

188 2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.

189 3. Notwithstanding other provisions of this section, information disclosed or furnished shall be
190 assessed a fee as specified in § 46.2-214.

191 4. When the person requesting the information is (i) the subject of the information, (ii) the parent or
192 guardian of the subject of the information, (iii) the authorized representative of the subject of the
193 information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner
194 shall provide him with the requested information and a complete explanation of it. Requests for such
195 information need not be made in writing or in person and may be made orally or by telephone, provided
196 that the Department is satisfied that there is adequate verification of the requester's identity. When so
197 requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of
198 the information, (c) the authorized representative of the subject of the information, or (d) the owner of
199 the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct
200 the personal information provided and furnish driver and vehicle information in the form of an abstract
201 of the record.

202 5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or
203 surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the
204 record of any person subject to the provisions of this title. The abstract shall include any record of any
205 conviction of a violation of any provision of any statute or ordinance relating to the operation or
206 ownership of a motor vehicle or of any injury or damage in which he was involved and a report of
207 which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60
208 months from the date of the conviction or accident unless the Commissioner or court used the
209 conviction or accident as a reason for the suspension or revocation of a driver's license or driving
210 privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto
211 shall not be reported after 60 months from the date that the driver's license or driving privilege has been
212 reinstated. This abstract shall not be admissible in evidence in any court proceedings.

213 6. On the written request of any business organization or its agent, in the conduct of its business, the
214 Commissioner shall compare personal information supplied by the business organization or agent with
215 that contained in the Department's records and, when the information supplied by the business
216 organization or agent is different from that contained in the Department's records, provide the business
217 organization or agent with correct information as contained in the Department's records. Personal
218 information provided under this subdivision shall be used solely for the purpose of pursuing remedies
219 that require locating an individual.

220 7. The Commissioner shall provide vehicle information to any business organization or agent on such
221 business' or agent's written request. Disclosures made under this subdivision shall not include any
222 personal information and shall not be subject to the limitations contained in subdivision 6 of this
223 subsection.

224 8. On the written request of any motor vehicle rental or leasing company or its designated agent, the
225 Commissioner shall (i) compare personal information supplied by the company or agent with that
226 contained in the Department's records and, when the information supplied by the company or agent is
227 different from that contained in the Department's records, provide the company or agent with correct
228 information as contained in the Department's records and (ii) provide the company or agent with driver
229 information in the form of an abstract of any person subject to the provisions of this title. Such abstract
230 shall include any record of any conviction of a violation of any provision of any statute or ordinance
231 relating to the operation or ownership of a motor vehicle or of any injury or damage in which the
232 subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract
233 shall include any record of any conviction or accident more than 60 months after the date of such
234 conviction or accident unless the Commissioner or court used the conviction or accident as a reason for
235 the suspension or revocation of a driver's license or driving privilege, in which case the revocation or
236 suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract
237 after 60 months from the date on which the driver's license or driving privilege was reinstated. No
238 abstract released under this subdivision shall be admissible in evidence in any court proceedings.

239 9. On the request of any federal, state, or local governmental entity or authorized agent of any of the
240 foregoing, the Commissioner shall (i) compare personal information supplied by the governmental entity
241 or the authorized agent of any of the foregoing, with that contained in the Department's records and,
242 when the information supplied by the governmental entity or the authorized agent of any of the
243 foregoing, is different from that contained in the Department's records, provide the governmental entity

or the authorized agent of any of the foregoing, with correct information as contained in the Department's records and (ii) provide driver and vehicle information in the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or revocations, and other appropriate information as the governmental entity or the authorized agent of any of the foregoing, may require in order to carry out its official functions. Such abstract shall be provided at a fee that is one-half the normal charge for an abstract.

9a. On the request of any federal, state, or local law-enforcement officer, attorney for the Commonwealth, an official of any federal or state court, or authorized agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the federal, state, or local law-enforcement officer, attorney for the Commonwealth, the official of the federal or state court, or authorized agent of any of the foregoing with that contained in the Department's records and, when the information supplied by the federal, state, or local law-enforcement officer, attorney for the Commonwealth, the official of a federal or state court, or authorized agent of any of the foregoing is different from that contained in the Department's records, provide the federal state, or local law-enforcement officer, attorney for the Commonwealth, the official of the federal or state court, or authorized agent of any of the foregoing with correct information as contained in the Department's records and (ii) provide the driver and vehicle information in the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or revocations, and other appropriate information as the federal, state, or local law-enforcement officer, attorney for the Commonwealth, the official of the federal or state court, or the authorized agent of any of the foregoing may require in order to carry out its official functions. The abstract shall be provided free of charge.

10. On request of the driver licensing authority in any other state or foreign country, the Commissioner shall provide whatever classes of information the requesting authority shall require in order to carry out its official functions. The information shall be provided free of charge.

11. On the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide the employer, prospective employer, or agent with driver information in the form of an abstract of an individual's record showing all convictions, accidents, driver's license suspensions or revocations, and any type of driver's license that the individual currently possesses, provided that the individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

12. On the written request of any member of or applicant for membership in a volunteer fire company or volunteer rescue squad, the Commissioner shall (i) compare personal information supplied by the volunteer fire company or volunteer rescue squad with that contained in the Department's records and, when the information supplied by the volunteer fire company or volunteer rescue squad is different from that contained in the Department's records, provide the volunteer fire company or volunteer rescue squad with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the member's or applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or volunteer rescue squad and the abstract is needed by a volunteer fire company or volunteer rescue squad to establish the qualifications of the member or applicant to operate equipment owned by the volunteer fire company or volunteer rescue squad.

13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America is different from that contained in the Department's records, provide the Virginia affiliate of Big Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of

305 driver's license that the individual currently possesses. Such abstract shall be provided free of charge if
306 the request is accompanied by appropriate written evidence that the person has applied to be a volunteer
307 with a court-appointed special advocate program pursuant to § 9.1-153.

308 15. Upon the request of any employer, prospective employer, or authorized representative of either,
309 the Commissioner shall (i) compare personal information supplied by the employer, prospective
310 employer, or agent with that contained in the Department's records and, when the information supplied
311 by the employer, prospective employer, or agent is different from that contained in the Department's
312 records, provide the employer, prospective employer, or agent with correct information as contained in
313 the Department's records and (ii) provide driver information in the form of an abstract of the driving
314 record of any individual who has been issued a commercial driver's license, provided that the
315 individual's position or the position that the individual is being considered for involves the operation of
316 a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions,
317 revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

318 16. Upon the receipt of a completed application and payment of applicable processing fees, the
319 Commissioner may enter into an agreement with any governmental authority or business to exchange
320 information specified in this section by electronic or other means.

321 17. Upon the request of an attorney representing a person in a motor vehicle accident, the
322 Commissioner shall provide vehicle information, including the owner's name and address, to the
323 attorney.

324 18. Upon the request, in the course of business, of any authorized representative of an insurance
325 company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform
326 rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle
327 information, including the owner's name and address, descriptive data and title, registration, and vehicle
328 activity data as requested or (ii) all driver information including name, license number and classification,
329 date of birth, and address information for each driver under the age of 22 licensed in the
330 Commonwealth of Virginia meeting the request criteria designated by such person, with such request
331 criteria consisting of driver's license number or address information. No such information shall be used
332 for solicitation of sales, marketing, or other commercial purposes.

333 19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a
334 warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.1-346, the Commissioner
335 shall provide vehicle information, including the owner's name and address.

336 20. Upon written request of the compliance agent of a private security services business, as defined
337 in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall
338 provide the name and address of the owner of the vehicle under procedures determined by the
339 Commissioner.

340 21. Upon the request of the operator of a toll facility, or an authorized agent or employee of a toll
341 facility operator, for the purpose of obtaining vehicle owner data under subsection L of § 46.2-819.1.
342 Information released pursuant to this subdivision shall be limited to the name and address of the
343 registered owner of the vehicle having failed to pay a toll and the vehicle information, including all
344 descriptive vehicle data and title and registration data of the same vehicle.

345 22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate
346 of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of
347 Compeer with that contained in the Department's records and, when the information supplied by a
348 Virginia affiliate of Compeer is different from that contained in the Department's records, provide the
349 Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii)
350 provide driver information in the form of an abstract of the applicant's record showing all convictions,
351 accidents, license suspensions or revocations, and any type of driver's license that the individual
352 currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the
353 request is accompanied by appropriate written evidence that the person has applied to be a volunteer
354 with a Virginia affiliate of Compeer.

355 23. Upon the request of the Department of Environmental Quality for the purpose of obtaining
356 vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles,
357 pursuant to § 46.2-1178.1.

358 24. On the written request of any person who has applied to be a volunteer vehicle operator with a
359 Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information
360 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's
361 records and, when the information supplied by a Virginia chapter of the American Red Cross is different
362 from that contained in the Department's records, provide the Virginia chapter of the American Red Cross
363 with correct information as contained in the Department's records and (ii) provide driver information in
364 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions
365 or revocations, and any type of driver's license that the individual currently possesses. Such abstract
366 shall be provided at a fee that is one-half the normal charge if the request is accompanied by

appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.

25. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol.

26. Upon the request of a zoning administrator, the Commissioner shall provide whatever classes of information the requesting administrator shall require in order to investigate an alleged violation of a zoning ordinance involving a limitation on occupancy of a residential dwelling unit.

C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require.

D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.

F. In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ 43-33, 43-34, 46.2-633, and §§ 46.2-1200.1 through 46.2-1237.

G. The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.

H. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.

I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2, subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records shall be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision B 9.