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SENATE BILL NO. 764

Offered January 10, 2007

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A BILL to amend and reenact §§ 46.2-312, 46.2-328, 46.2-332, 46.2-337, 46.2-1190.3, 46.2-1190.4, and 46.2-1191 of the Code of Virginia, relating to issuance of driver's licenses with motorcycle classifications to persons who use bioptic telescopic lenses.

Patron—Cuccinelli (By Request)

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-312, 46.2-328, 46.2-332, 46.2-337, 46.2-1190.3, 46.2-1190.4, and 46.2-1191 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-312. Persons using bioptic telescopic lenses.

A. Persons using bioptic telescopic lenses shall be eligible for driver's licenses if they:

1. Demonstrate a visual acuity of at least 20/200 in one or both eyes and a field of seventy degrees horizontal vision without or with corrective carrier lenses, or if these persons have vision in one eye only, they demonstrate a field of at least forty degrees temporal and thirty degrees nasal horizontal vision;

2. Demonstrate a visual acuity of at least 20/70 in one or both eyes with the bioptic telescopic lenses and without the use of field expanders;

3. Meet all other criteria for licensure;

4. Accompany the license application with a report of examination by an ophthalmologist or optometrist on a form prescribed by the Department for evaluation by the Medical Advisory Board.

B. Persons using bioptic telescopic lenses shall be eligible for learner's permits issued under § 46.2-335 provided they first meet the requirements of subsection A of this section, except for that part of the examination requiring the applicant to drive a motor vehicle.

C. Persons using bioptic telescopic lenses shall be subject to the following restrictions:

1. They shall not be eligible for any of the driver's license endorsements *to operate a school bus or a commercial motor vehicle as provided for in § 46.2-328;*

2. Their driver's licenses shall permit the operation of motor vehicles only during the period beginning one-half hour after sunrise and ending one-half hour before sunset.

D. *A person who uses bioptic telescopic lenses may be issued a driver's license with a motorcycle classification if he meets all the qualifications specified in subsection A and submits evidence acceptable to the Commissioner that he has lawfully operated a motor vehicle while using bioptic telescopic lenses in the Commonwealth or another state for a period of at least one year immediately prior to such issuance and, during that time, has not been involved, while driving, in a motor vehicle accident.*

E. Notwithstanding the provisions of subdivision C 2 of this section, persons using bioptic telescopic lenses may be licensed to drive motor vehicles between one-half hour before sunset and one-half hour after sunrise if they:

1. Demonstrate a visual acuity of at least 20/40 in one or both eyes with the bioptic telescopic lenses and without the use of field expanders;

2. Have been licensed under subsection C of this section for at least one year; and

3. Pass a skills test taken at night.

§ 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.

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

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

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

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

76 § 46.2-332. Fees.

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

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

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

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

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

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

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

106 This section shall supersede conflicting provisions of this chapter.

107 § 46.2-337. Examination and road test required for license to operate motorcycle; regulations.

108 No person shall drive any motorcycle on a highway in the Commonwealth unless he has passed a
109 special examination, including written material and a road test, pertaining to his ability to drive a
110 motorcycle with reasonable competence and with safety to other persons using the highways. The
111 Department shall adopt regulations as may be necessary to provide for the special examination under
112 § 46.2-325 of persons desiring to qualify to drive motorcycles in the Commonwealth and for the
113 granting of licenses, *classifications*, or permits suitably endorsed for qualified applicants.

114 § 46.2-1190.3. Instructor qualifications.

115 A. Training centers shall employ only motorcycle safety instructors who meet the following
116 minimum qualifications:

117 1. Have a current, valid driver's license; ~~endorsed for with a motorcycle operation classification~~, that
118 is neither suspended, revoked, cancelled, nor under probation, with less than six demerit points in a
119 12-month period and no conviction for any of the offenses enumerated in subsection E of § 18.2-270;

120 2. Be a valid training course instructor, as approved by the Department, which includes:

121 a. Having instructor certification to teach the current curriculum approved by the Department;
 122 b. Attending all required program clinics offered by the Department that provide continuously
 123 updated course instructor and motorcycle safety education; and

124 c. Avoiding putting course participants or others associated with course instruction in physical danger
 125 during periods of instruction through the use of appropriate instruction techniques and methods;

126 3. Conduct themselves in a professional manner, including, but not limited to, using appropriate
 127 language and having interactions with participants and others involved in the course that are free from
 128 threat and intimidation; and

129 4. Comply with other requirements specified in this article or otherwise established by the
 130 Department.

131 B. The requirements of subsection A of this section shall not apply to those persons who are valid
 132 training course instructors prior to being stationed outside the United States, during the period of such
 133 person's service, if any, in the armed services of the United States, and 60 days thereafter. However, no
 134 such temporary exemption granted under this section shall exceed five years. Any person who receives a
 135 temporary exemption under this section shall provide documentary or other proof that he is entitled to
 136 the benefits of this section, and shall be required to meet the requirements of subsection A of this
 137 section prior to being eligible to provide course instruction.

138 § 46.2-1190.4. Administrative and reporting requirements.

139 A. Training centers shall be responsible for verifying that all participants are eligible for enrollment
 140 in a course under the program, based on the following:

141 1. Persons enrolling in a novice rider course shall (i) possess a valid learner's permit or valid driver's
 142 license; (ii) have written parental or guardian permission if under the age of 18 years of age; and (iii) be
 143 physically able to balance and operate a motorcycle.

144 2. Persons enrolling in an experienced rider course shall (i) possess a valid driver's license ~~endorsed~~
 145 ~~for with a motorcycle operation classification~~; (ii) have written parental or guardian permission if under
 146 the age of 18; (iii) use a motorcycle that may lawfully be operated on the highways of the
 147 Commonwealth during course training; and (iv) have valid proof of ownership of such motorcycle, or
 148 have its owner's written permission to use it and valid proof of insurance.

149 3. Persons enrolling in a sidecar and three-wheeled motorcycle course shall (i) possess a valid
 150 learner's permit or a valid driver's license; (ii) have written parental or guardian permission if under the
 151 age of 18; (iii) use a sidecar rig or three-wheeled motorcycle that may lawfully be operated on the
 152 highways of the Commonwealth during course training; and (iv) if providing their own sidecar rig or
 153 three-wheeled motorcycle, have valid proof of ownership of such sidecar rig or three-wheeled
 154 motorcycle, or have its owner's written permission to use it and valid proof of insurance.

155 B. Training centers shall provide the following information to the Department on each course within
 156 20 business days of course completion, on forms provided by the Department:

157 1. The type of course and date of completion;

158 2. The name, address, social security number, and certification number of each instructor;

159 3. The name, address, driver's license number, and date of birth of all participants enrolled in each
 160 course; and

161 4. The course completion status of each participant.

162 C. The training center shall issue a Department-approved certificate of completion to each participant
 163 who successfully completes a course in the program.

164 D. Training centers shall (i) retain a copy of each participant's waiver form and original course
 165 evaluation form and (ii) establish and maintain records of course administration, including the
 166 information outlined in subsection B of this section, for a three-year period following the course
 167 completion. The Department may audit course records, and monitor and evaluate any and all aspects of
 168 a training center's operation.

169 § 46.2-1191. Motorcycle Rider Safety Training Program Fund.

170 To finance the cost of the Motorcycle Rider Safety Training Program, the Department of Motor
 171 Vehicles shall deposit the fee collected for the issuance of each motorcycle learner's permit and \$3 of
 172 the fee collected for the issuance of each motorcycle registration and all motorcycle ~~driver's license~~
 173 ~~endorsement classification~~ fees into a special fund to be known as the Motorcycle Rider Safety Training
 174 Program Fund. The Department shall use the Fund as necessary for: (i) the costs of the Department of
 175 Motor Vehicles incurred in the administration of this article, (ii) the funding of licensed, approved
 176 regional cycle rider safety training centers for the conducting of courses, as set forth in § 46.2-1192 and
 177 (iii) any other purposes related to the administration of this article, including contractual costs related to
 178 administrative and other operational support for the reimbursed training centers.