

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 866

An Act to amend and reenact § 46.2-330 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-214.2, relating to service charges imposed and collected by the Department of Motor Vehicles; issuance of driver's licenses and learner's permits.

[S 116]

Approved April 23, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-330 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-214.2 as follows:

§ 46.2-214.2. Service charge to be imposed and collected by the Department; discount for multiyear registration.

A. In addition to any other fee imposed and collected by the Department, the Department shall impose and collect a service charge upon each person who carries out the registration renewal of a vehicle in any of the Department's Customer Service Centers if such registration can be conducted (i) by mail or telephone or by using an electronic medium using a format prescribed by the Commissioner, or (ii) through an agent of the Department that has entered into an agreement with the Department to perform certain services as described in subsection B of § 46.2-205. The service charge shall not apply (a) if concurrently with the registration of the vehicle, the person undertakes another transaction at a Customer Service Center, which other transaction cannot be conducted through a means described in clause (i) or (ii), (b) to the registration of any vehicle for which no registration fee is otherwise required by law, or (c) to any registration conducted by a motor vehicle dealer subject to the provisions of § 46.2-1530.2.

B. The service charge shall equal \$5 per vehicle registration renewal that is carried out in any Customer Service Center of the Department. The Department shall include information regarding such service charge in all vehicle registration renewal notices sent to vehicle owners.

C. All service charges imposed and collected by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

D. Pursuant to subsection C of § 46.2-646, for each motor vehicle, trailer, or semitrailer registered, the Commissioner may offer, at his discretion, a discount for multiyear registrations of such vehicles. The discount shall be equal to \$1 for each year of the multiyear registration or fraction thereof. The discount shall not be applicable to any motor vehicle, trailer, or semitrailer registered (i) under the International Registration Plan or (ii) as an uninsured motor vehicle. When this option is offered and chosen by the registrant, all annual and 12-month fees due at the time of registration shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

E. In addition to the discount authorized in paragraph D., for the renewal of registration of each motor vehicle, trailer, or semitrailer pursuant to § 46.2-646, the Commissioner shall offer a discount for renewal when such registration renewal is conducted using the Internet. The discount shall be equal to \$1. The discount shall not apply to any motor vehicle, trailer, or semitrailer registered (i) under the International Registration Plan or (ii) as an uninsured motor vehicle.

§ 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 the end of the period of years for which a driver's license has been issued. 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 a period not to exceed eight years except as otherwise provided by law. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age 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 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, if the applicant is less than 80 years old, 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. Such written test shall not be waived for an applicant less than 21 years old if such applicant's driver's license record on file with the Department contains a record of one or more convictions for any offense reportable under §§ 46.2-382, 46.2-382.1, and 46.2-383. 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. No driver's license or learner's permit issued to any person who is 80 years old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

D. 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. This section shall not modify the provisions of § 46.2-221.2.

F. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of the renewal of a driver's license. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered or in the jurisdiction where the person made application for licensure.

2. That the Commissioner of the Department of Motor Vehicles shall submit reports to the Governor and General Assembly regarding the Department's progress towards transitioning to centralized issuance of driver's licenses, learner's permits, and identification cards beginning September 30, 2008, and continuing on a quarterly basis, until such transition has been completed.