

083813618

**HOUSE BILL NO. 534**

Offered January 9, 2008

Prefiled January 7, 2008

A *BILL to amend and reenact § 46.2-330 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 9.1-916.1, relating to expiration and renewal of driver's licenses; sex offenders.*

---

 Patron—Mathieson
 

---



---

 Referred to Committee on Transportation
 

---

**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 9.1-916.1 as follows:**

*§ 9.1-916.1. Requests for Registry data by Department of Motor Vehicles; confidentiality.*

*Upon request of the Department of Motor Vehicles of the Commonwealth, the Department of State Police shall provide the Department of Motor Vehicles with Registry data in electronic format. The Department of Motor Vehicles may use the data for determining which applicants need to renew their driver's licenses every two years pursuant to subsection G of § 46.2-330 and shall ensure the confidentiality and security of the data.*

§ 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 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.

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.

INTRODUCED

HB534

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

68 *G. Notwithstanding the provisions of subsection A, every driver's license issued to any applicant who*  
69 *is required to register or reregister with the Department of State Police pursuant to Chapter 9*  
70 *(§ 9.1-900 et seq.) of Title 9.1 shall be valid for two years and shall expire on the applicant's birthday.*  
71 *The Department shall obtain data on those applicants required to register with the State Police by*  
72 *making a request pursuant to § 9.1-916.1. Every renewal of a driver's license under this subsection shall*  
73 *include an updated color photograph of the applicant.*