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HOUSE BILL NO. 1782**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Transportation
on January 27, 2009)

(Patron Prior to Substitute—Delegate Albo)

A *BILL to amend and reenact § 46.2-334 of the Code of Virginia, relating to parent/student driver education program requirement for issuance of driver's licenses to persons less than 18 years old.*

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-334 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-334. Conditions and requirements for licensure of persons under 18; requests for cancellation of minor's driver's license; temporary driver's licenses; Board of Education approved programs; home-schooled students; fee.

A. Minors at least 16 years and three months old may be issued driver's licenses under the following conditions:

1. The minor shall submit a proper application and satisfactory evidence that he (i) is a resident of the Commonwealth; (ii) has successfully completed a driver education course approved by either the State Department of Education or, in the case of a course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, by the Department of Motor Vehicles; ~~and~~ (iii) is mentally, physically, and otherwise qualified to drive a motor vehicle safely; *and (iv) has successfully completed, along with his parent or guardian, a minimum 90-minute parent/student driver education program prescribed by the Department, either in person or online, with a certification by the parent that he participated in the full 90-minute program with the child. The program shall emphasize parental responsibilities regarding juvenile driving behavior, juvenile driving restrictions pursuant to the Code of Virginia, and the dangers of driving while intoxicated and underage consumption of alcohol. The entity providing the course may charge a reasonable fee to cover the provision of this program.*

2. The minor's application for a driver's license must be signed by a parent of the applicant, otherwise by the guardian having custody of him. However, in the event a minor has no parent or guardian, then a driver's license shall not be issued to him unless his application is signed by the judge of the juvenile and domestic relations district court of the city or county in which he resides. If the minor making the application is married or otherwise emancipated, in lieu of any parent's, guardian's or judge's signature, the minor may present proper evidence of the solemnization of the marriage or the order of emancipation.

3. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations district court or found by such court to be a child in need of supervision, as defined in § 16.1-228. If it appears that the minor has been adjudged not innocent of the offense alleged or has been found to be a child in need of supervision, the Department shall not issue a license without the written approval of the judge of the juvenile and domestic relations district court making an adjudication as to the minor or the like approval of a similar court of the county or city in which the parent or guardian, respectively, of the minor resides.

4. The application for a permanent driver's license by a minor of the age of persons required to attend school pursuant to § 22.1-254 shall be accompanied by evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1. This evidence shall be provided in writing by the minor's parent. If the minor is unable to provide such evidence, he shall not be granted a driver's license until he reaches the age of 18 or presents proper evidence of the solemnization of his marriage or an order of emancipation, or the parent, as defined in § 22.1-1, or other person standing in loco parentis has provided written authorization for the minor to obtain a driver's license.

A minor may, however, present a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4 as evidence of compulsory school attendance compliance.

5. The minor applicant shall certify in writing, on a form prescribed by the Commissioner, that he is a resident of the Commonwealth. The applicant's parent or guardian shall also certify that the applicant is a resident by signing the certification. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the parent's certification of residence.

B. Any custodial parent or guardian of an unmarried or unemancipated minor may, after the issuance of a permanent driver's license to such minor, file with the Department a written request that the license of the minor be canceled. When such request is filed, the Department shall cancel the license of the minor and the license shall not thereafter be reissued by the Department until a period of six months has

60 elapsed from the date of cancellation or the minor reaches his eighteenth birthday, whichever shall occur
61 sooner. Notwithstanding the foregoing provisions of this subsection, in the case of a minor whose
62 parents have been awarded joint legal custody, a request that the license of the minor be cancelled must
63 be signed by both legal custodians. In the event one parent is not reasonably available or the parents do
64 not agree, one parent may petition the juvenile and domestic relations district court to make a
65 determination that the license of the minor be cancelled.

66 C. The provisions of subsection A of this section requiring that an application for a driver's license
67 be signed by the parent or guardian shall be waived by the Commissioner if the application is
68 accompanied by proper evidence of the solemnization of the minor's marriage or a certified copy of a
69 court order, issued under the provisions of Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1,
70 declaring the applicant to be an emancipated minor.

71 D. A learner's permit accompanied by documentation verifying the minor's successful completion of
72 an approved driver education course, signed by the minor's parent, guardian, legal custodian or other
73 person standing in loco parentis, shall constitute a temporary driver's license for purposes of driving
74 unaccompanied by a licensed driver as required in § 46.2-335, if all other requirements of this chapter
75 have been met. The temporary license shall only be valid until the permanent license is presented as
76 provided in § 46.2-336.

77 E. Notwithstanding the provisions of subsection A of this section requiring the successful completion
78 of a driver education course approved by the State Department of Education, the Commissioner, on
79 application therefor by a person at least 16 years and three months old but less than 18 years old, shall
80 issue to the applicant a temporary driver's license valid for six months if he (i) certifies by signing,
81 together with his parent or guardian, on a form prescribed by the Commissioner that he is a resident of
82 the Commonwealth; (ii) is the holder of a valid driver's license from another state; and (iii) has not been
83 found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle. No
84 temporary license issued under this subsection shall be renewed, nor shall any second or subsequent
85 temporary license under this subsection be issued to the same applicant. Any such minor providing
86 proper evidence of the solemnization of his marriage or a certified copy of a court order of
87 emancipation shall not be required to obtain the signature of his parent or guardian for the temporary
88 driver's license.

89 F. For persons qualifying for a driver's license through driver education courses approved by the
90 Department of Education or courses offered by driver training schools licensed by the Department, the
91 application for the learner's permit shall be used as the application for the driver's license pursuant to
92 § 46.2-335.

93 G. Driver's licenses shall be issued by the Department to minors successfully completing driver
94 education courses approved by the Department of Education (i) when the Department receives from the
95 school proper certification that the student (a) has successfully completed such course, including a road
96 skills examination and (b) is regularly attending school and is in good academic standing or, if not in
97 such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor,
98 provides written authorization for the minor to obtain a driver's license, which written authorization shall
99 be obtained on forms provided by the Department and indicating the Commonwealth's interest in the
100 good academic standing and regular school attendance of such minors; and (ii) upon payment of a fee of
101 \$2.40 per year, based on the period of the license's validity. For applicants attending public schools,
102 good academic standing may be certified by the public school principal or any of his designees. For
103 applicants attending nonpublic schools, such certification shall be made by the private school principal
104 or any of his designees; for minors receiving home schooling, such certification shall be made by the
105 home schooling parent or tutor. Any minor providing proper evidence of the solemnization of his
106 marriage or a certified copy of a court order of emancipation shall not be required to provide the
107 certification of good academic standing or any written authorization from his parent or guardian to
108 obtain a driver's license.

109 H. For those home schooled students completing driver education courses approved by the Board of
110 Education and instructed by his own parent or guardian, no driver's license shall be issued until the
111 student has successfully completed the driver's license examination administered by the Department.
112 Furthermore, the Commissioner shall not issue a driver's license for those home schooled students
113 completing driver education courses approved by the Board of Education and instructed by his own
114 parent or guardian if it is determined by the Commissioner that, at the time of such instruction, such
115 parent or guardian had accumulated six or more driver demerit points in the most recently preceding 12
116 months, had been convicted within the most recent 11 preceding years of driving while intoxicated in
117 violation of § 18.2-266 or a substantially similar law in another state, or had ever been convicted of
118 voluntary or involuntary manslaughter in violation of § 18.2-35 or § 18.2-36 or a substantially similar
119 law in another state.

120 **2. That the provisions of this act shall become effective on January 1, 2010.**