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## SENATE BILL NO. 1168

## FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Hull  
on February 26, 2009)

(Patron Prior to Substitute—Senator Watkins)

A *BILL to amend and reenact §§ 46.2-324, 46.2-342, 46.2-416, and 46.2-606 of the Code of Virginia, relating to Department of Motor Vehicle contracts with United States Postal Service to obtain current address information.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-324, 46.2-342, 46.2-416, and 46.2-606 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-324. Applicants and license holders to notify Department of change of address; fee.

A. Whenever any person, after applying for or obtaining a driver's license or special identification card shall move from the address shown in the application or on the license or special identification card, he shall, within thirty days, notify the Department of his change of address. If the Department receives notification from the person or any court or law-enforcement agency that a person's residential address has changed to a non-Virginia address, unless the person (i) is on active duty with the armed forces of the United States, (ii) provides proof that he is a U.S. citizen and resides outside the United States because of his employment or the employment of a spouse or parent, or (iii) provides proof satisfactory to the Commissioner that he is a bona fide resident of Virginia, the Department shall (i) mail, by first-class mail, no later than three days after the notice of address change is received by the Department, notice to the person that his license and/or special identification card will be cancelled by the Department and (ii) cancel the driver's license and/or special identification card thirty days after notice of cancellation has been mailed.

B. There may be imposed upon anyone failing to notify the Department of his change of address as required by this section a fee of five dollars, which fee shall be used to defray the expenses incurred by the Department. ~~The Department shall contract with the United States Postal Service or an authorized agent thereof to use change of address information for the purpose of obtaining current address information for a person whose name appears in a motor vehicle or driver record maintained by the Department. If the Department receives such information from the United States Postal Service indicating that a person whose name appears in a Department record has moved to another address, the Department shall update its records with the address obtained from the United States Postal Service.~~ There may be imposed upon anyone failing to notify the Department of his change of address as required by this section a fee of five dollars, which fee shall be used to defray the expenses incurred by the Department. However, such fee shall not be imposed as a consequence of the Department updating its records with address information obtained from the United States Postal Service.

C. The Department shall electronically transmit change of address 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 change of address. 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 change of address.

§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.

A. Every license issued under this chapter shall bear:

1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned by the Department to the licensee and shall not be the same as the licensee's social security number;

2. A color photograph of the licensee;

3. The licensee's full name, year, month, and date of birth;

4. The licensee's address, subject to the provisions of subsection A1 of this section;

5. A brief description of the licensee for the purpose of identification;

6. A space for the signature of the licensee; and

7. Any other information deemed necessary by the Commissioner for the administration of this title.

No abbreviated names or nicknames shall be shown on any license.

A1. At the option of the licensee, the address shown on the license may be either the post office box, business, or residence address of the licensee, provided such address is located in Virginia. However, regardless of which address is shown on the license, the licensee shall supply the Department

60 with his residence address, which shall be an address in Virginia. This residence address shall be  
61 maintained in the Department's records. Whenever the licensee's address shown either on his license or  
62 in the Department's records changes, he shall notify the Department of such change as required by  
63 § 46.2-324.

64 *The Department shall contract with the United States Postal Service or an authorized agent thereof*  
65 *to use change of address information for the purpose of obtaining current address information for a*  
66 *person whose name appears in a motor vehicle or driver record maintained by the Department. If the*  
67 *Department receives such information from the United States Postal Service indicating that a person*  
68 *whose name appears in a Department record has moved to another address, the Department shall*  
69 *update its records with the address obtained from the United States Postal Service.*

70 B. The license shall be made of a material and in a form to be determined by the Commissioner.

71 C. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable  
72 from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique  
73 design elements of the document and descriptors within the photograph area to identify persons who are  
74 at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year  
75 when the person will become 21 years old.

76 D. The Department shall establish a method by which an applicant for a driver's license or an  
77 identification card may designate his willingness to be an organ donor as provided in Article 2  
78 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1 and shall cooperate with the Virginia Transplant  
79 Council to ensure that such method is designed to encourage organ donation with a minimum of effort  
80 on the part of the donor and the Department.

81 E. If an applicant designates his willingness to be a donor pursuant to subsection D, the Department  
82 may make a notation of this designation on his license or card and shall make a notation of this  
83 designation in his driver record.

84 F. The donor designation authorized in subsection E shall be sufficient legal authority for the  
85 removal, following death, of the subject's organs or tissues without additional authority from the donor,  
86 or his family or estate. No family member, guardian, agent named pursuant to an advance directive or  
87 person responsible for the decedent's estate shall refuse to honor the donor designation or, in any way,  
88 seek to avoid honoring the donor designation.

89 G. The donor designation provided pursuant to subsection D may be rescinded by notifying the  
90 Department.

91 H. With the written consent of his parent or legal guardian, a minor may make a donor designation  
92 as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

93 I. When requested by the applicant, and upon presentation of a signed statement by a licensed  
94 physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's  
95 license that the applicant is (i) an insulin-dependent diabetic, or (ii) hearing or speech impaired.

96 J. In the absence of gross negligence or willful misconduct, the Department and its employees shall  
97 be immune from any civil or criminal liability in connection with the making of or failure to make a  
98 notation of donor designation on any license or card or in any person's driver record.

99 K. Notwithstanding the foregoing provisions of this section, the Department shall continue to use the  
100 uniform donor document, as formerly set forth in subsection D above, for organ donation designation  
101 until such time as a new method is fully implemented, which shall be no later than July 1, 1994. Any  
102 such uniform donor document shall, when properly executed, remain valid and shall continue to be  
103 subject to all conditions for execution, delivery, amendment, and revocation as set out in Article 2  
104 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1.

105 L. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ  
106 donor information brochure describing the organ donor program and providing instructions for  
107 completion of the uniform donor document information describing the bone marrow donation program  
108 and instructions for registration in the National Bone Marrow Registry. The Department shall include a  
109 copy of such brochure with every driver's license renewal notice or application mailed to licensed  
110 drivers in Virginia.

111 § 46.2-416. Notice of suspension or revocation of license.

112 Whenever it is provided in this title that a driver's license may or shall be suspended or revoked  
113 either by the Commissioner or by a court, notice of the suspension or revocation or any certified copy  
114 of the decision or order of the Commissioner may be sent by the Department by certified mail to the  
115 driver at the most recent address of the driver on file at the Department. If the driver has previously  
116 been notified by mail or in person of the suspension or revocation or of an impending suspension for  
117 failure to pay fines and costs pursuant to § 46.2-395, whether notice is given by the court or  
118 law-enforcement officials as provided by law, and the Department has been notified by the court that  
119 notice was so given and the fines and costs were not paid within fifteen days, no notice of suspension  
120 shall be sent by the Department to the driver. If the certificate of the Commissioner or someone  
121 designated by him for that purpose shows that the notice or copy has been so sent or provided, it shall

be deemed prima facie evidence that the notice or copy has been sent and delivered or otherwise provided to the driver for all purposes involving the application of the provisions of this title. In the discretion of the Commissioner, service may be made as provided in § 8.01-296, which service on the driver shall be made by delivery in writing to the driver in person in accordance with subdivision 1 of § 8.01-296 by a sheriff or deputy sheriff in the county or city in which the address is located, who shall, as directed by the Commissioner, take possession of any suspended or revoked license, registration card, or set of license plates or decals and return them to the office of the Commissioner. No such service shall be made if, prior to service, the driver has complied with the requirement which caused the issuance of the decision or order. In any such case, return shall be made to the Commissioner.

In lieu of making a direct payment to sheriffs as a fee for delivery of the Department's processes, the Commissioner shall effect a transfer of funds, on a monthly basis, to the Compensation Board to be used to provide additional support to sheriffs' departments. The amount of funds so transferred shall be as provided in the general appropriation act.

*The Department shall contract with the United States Postal Service or an authorized agent thereof to use change of address information for the purpose of obtaining current address information for a person whose name appears in a motor vehicle or driver record maintained by the Department. If the Department receives such information from the United States Postal Service indicating that a person whose name appears in a Department record has moved to another address, the Department shall update its records with the address obtained from the United States Postal Service.*

§ 46.2-606. Notice of change of address.

Whenever any person who has applied for or obtained the registration or title to a vehicle moves from the address shown in his application, registration card or certificate of title, he shall notify the Department of his change of address within thirty days.

~~Anyone failing to comply with this section may be charged a fee of five dollars, to be used to cover the Department's expenses~~ *The Department shall contract with the United States Postal Service or an authorized agent thereof to use change of address information for the purpose of obtaining current address information for a person whose name appears in a motor vehicle or driver record maintained by the Department. If the Department receives such information from the United States Postal Service indicating that a person whose name appears in a Department record has moved to another address, the Department shall update its records with the address obtained from the United States Postal Service. There may be imposed upon anyone failing to notify the Department of his change of address as required by this section a fee of five dollars, which fee shall be used to defray the expenses incurred by the Department. However, such fee shall not be imposed as a consequence of the Department updating its records with address information obtained from the United States Postal Service.*

**2. That the provisions of this act shall not apply to those address changes identified by the United States Postal Service as temporary address changes.**