VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 70

An Act to amend and reenact §§ 46.2-330 and 46.2-332 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-692.2, relating to service of notices, etc., from the Department of Motor Vehicles; fee for exchange of license plates.

[S 1003]

Approved March 14, 2011

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-330 and 46.2-332 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-692.2 as follows:

§ 46.2-330. Expiration and renewal of licenses; examinations required.

A. Every driver's license shall expire on the applicant's birthday 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 more than eight years. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for 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 *(§ 9.1-900 et seq.)* 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~~ *send* 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. *The license holder may request the Department to send such renewal notice to an email or other electronic address, upon provision of such address to the Department.*

Any driver's license may be renewed by application 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. Every applicant for a renewal shall appear in person before the Department, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice. Applicants who are required to appear in person before the Department to apply for a renewal may also be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

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. 1. The Department shall electronically transmit application information, including a photograph, 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. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth and social security number as set out in § 9.1-903.

2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

§ 46.2-332. Fees.

On and after January 1, 1990, the fee for each driver's license other than a commercial driver's license shall be ~~two dollars and forty cents~~ *$2.40* per year. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be ~~six dollars~~ *$6* per year. Persons ~~twenty-one~~ *21* years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license for an additional fee of ~~five dollars~~ *$5*. For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of ~~one dollar~~ *$1* per year; for a motorcycle classification, there shall be an additional fee of ~~two dollars~~ *$2* per year. For any and all driver's license classifications, there shall be an additional fee of ~~one dollar~~ *$1* per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be ~~five dollars~~ *$5*.

In addition to any other fee imposed and collected by the Department, the Department shall impose and collect a service charge of $5 upon each person who carries out the renewal of a driver's license or special identification card in any of the Department's Customer Service Centers if such renewal can be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall not apply if, concurrently with the renewal of the driver's license or special identification card, the person undertakes another transaction at a Customer Service Center that cannot be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

A reexamination fee of ~~two dollars~~ *$2* shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is ~~eighteen~~ *18* years of age or older if taken more than once within a ~~fifteen-day~~ *15-day* period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination, if taken prior to the fifteenth day.

An applicant who is less than ~~eighteen~~ *18* years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in ~~fifteen~~ *15* days.

A fee of $50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

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

No additional fee above ~~two dollars and forty cents~~ *$2.40* per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

Excluding the ~~two-dollars~~ *$2* reexamination fee, ~~one dollar and fifty cents~~ *$1.50* of all fees collected for each original or renewal driver's license shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

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

This section shall supersede conflicting provisions of this chapter.

§ 46.2-692.2. Fee for exchange of license plates.

The fee for the exchange of license plates shall be the greater of the total of any statutory fees required for the requested license plates, as calculated under the provisions of subsection B of § 46.2-694, or $10.

As used in this section, an "exchange of license plates" means a transaction that occurs within the registration period of a vehicle in which the vehicle owner voluntarily returns the license plates assigned to the vehicle and requests for the same vehicle new license plates with a different design or alphanumeric combination or both.

A request for new license plates made as part of the vehicle registration renewal process shall not be considered an exchange of license plates for purposes of this section.

The provisions of this section shall apply to a replacement request made under the provisions of § 46.2-607 for license plates that are not duplicates or otherwise equivalent to the lost, mutilated, or illegible plates required to be replaced under that section. Such a request shall be considered both a replacement for purposes of §§ 46.2-607 and 46.2-692 and an exchange for purposes of this section.