

VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

CHAPTER 153

An Act to amend and reenact §§ 46.2-341.9, 46.2-341.10, and 46.2-341.18:3 of the Code of Virginia, relating to persons restricted from driving certain passenger vehicles.

[H 1178]

Approved March 7, 2012

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-341.9, 46.2-341.10, and 46.2-341.18:3 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-341.9. Eligibility for commercial driver's license.

A Virginia commercial driver's license shall be issued only to a person who drives or intends to drive a commercial motor vehicle and who is domiciled in the Commonwealth, provided that any person who is domiciled in a jurisdiction outside the United States, but has resided in the Commonwealth for a period of six weeks, shall be eligible for a commercial driver's license under such terms and conditions as the Department may require.

No person shall be eligible for a Virginia commercial driver's license until he has applied for such license and has passed the applicable vision, knowledge and skills tests required by this article, and has satisfied all other applicable licensing requirements imposed by the laws of the Commonwealth.

No person shall be eligible for a Virginia commercial driver's license during any period in which he is disqualified from driving a commercial motor vehicle, or his driver's license or privilege to drive is suspended, revoked or cancelled in any state, or during any period wherein the restoration of his license or privilege is contingent upon the furnishing of proof of financial responsibility.

No person shall be eligible for a Virginia commercial driver's license until he surrenders all other driver's licenses issued to him by any state.

No person under the age of twenty-one years shall be eligible for a commercial driver's license, except that a person who is at least eighteen years of age may be issued a commercial driver's license, provided that such person is exempt from or is not subject to the age requirements of the federal Motor Carrier Safety Regulations contained in 49 C.F.R. Part 391, and is not prohibited from operating a commercial motor vehicle by the Virginia Motor Carrier Safety Regulations, and has so certified. No person under the age of twenty-one years shall be issued a hazardous materials endorsement.

No person shall be eligible for a Virginia commercial driver's license to drive a Type S vehicle, as defined in subsection B of § 46.2-341.16, during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

A person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 may be issued a Virginia commercial driver's license to drive a Type P vehicle, as defined in subsection B of § 46.2-341.16, provided the commercial driver's license includes a restriction prohibiting the license holder from operating a commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services.

§ 46.2-341.10. Special provisions relating to commercial driver's instruction permit.

The Department, upon receiving an application on forms prescribed by the Commissioner and upon the applicant's satisfactory completion of the vision and knowledge tests required for the class and type of commercial motor vehicle to be driven by the applicant may, in its discretion, issue to such applicant a commercial driver's instruction permit. Such permit shall expire one year after issuance and shall entitle the applicant to drive a commercial motor vehicle of the class and type designated on the permit, but only when accompanied by a person licensed to drive the class and type of commercial motor vehicle driven by the applicant. The person accompanying the permit holder shall occupy the seat closest to the driver's seat for the purpose of giving instruction to the permit holder in driving the commercial motor vehicle.

No person shall be issued a commercial driver's instruction permit unless he possesses a valid Virginia driver's license or has satisfied all the requirements necessary to obtain such a license.

No person shall be issued a commercial driver's instruction permit to drive school buses *or to drive any commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services* during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

~~It shall be unlawful for any~~ Any instruction permit holder ~~to operate~~ who operates a commercial motor vehicle without being accompanied by a licensed driver as provided in this section. ~~Persons who~~

~~violate this section shall be~~ is guilty of a Class 2 misdemeanor.

The Department shall charge a fee of three dollars for each instruction permit issued under the provisions of this section.

§ 46.2-341.18:3. Cancellation of commercial driver's license endorsement for certain offenders.

The Commissioner shall cancel the Type S school bus endorsement for any person holding a commercial driver's license or commercial driver's instruction permit who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

Any person holding a commercial driver's license or commercial driver's instruction permit with a Type P passenger endorsement who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall surrender such license or permit to the Department, and shall be issued a license or permit that includes a restriction prohibiting the license or permit holder from operating a vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services.

If the holder of a commercial driver's license or commercial driver's instruction permit fails to surrender the license or permit as required under this section, the Department shall cancel the license or permit.