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HOUSE BILL NO. 1178

Offered January 18, 2012

A BILL to amend and reenact §§ 46.2-339, 46.2-341.9, 46.2-341.10, and 46.2-341.18:3 of the Code of Virginia, relating to persons prohibited from driving certain passenger buses.

Patron—Webert

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-339, 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:

§ 46.2-339. Qualifications of school bus driver; examination.

No person shall drive any school bus on a highway in the Commonwealth unless he has had a reasonable amount of experience in driving motor vehicles, and has passed a special examination pertaining to his ability to drive a school bus with safety to its passengers and to other persons using the highways. Such person shall obtain a commercial driver's license with the applicable classifications and endorsements, issued pursuant to the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), if the school bus he drives is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act. For the purpose of preparing for the examination required by this section, any person holding a valid driver's license issued under Article 4 of this chapter, may drive, under the direct supervision of a person holding a valid school bus license endorsement, a school bus which contains no other passengers, provided that, on and after April 1, 1992, only persons holding a valid commercial driver's license or instruction permit issued under the provisions of the Virginia Commercial Driver's License Act, may operate, under the direct supervision of a person holding a valid commercial driver's license with a school bus endorsement, a school bus which is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act and which contains no pupil passengers. The Department may adopt regulations necessary to provide for the examination of persons desiring to qualify to drive school buses in the Commonwealth and for the granting of permits to qualified applicants. Notwithstanding the provisions of this section otherwise, no person shall drive (i) any *charter bus as defined in § 46.2-2000 operated as a school bus* or (ii) any school bus on a highway in the Commonwealth 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.

§ 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~~ 21 years shall be eligible for a commercial driver's license, except that a person who is at least ~~eighteen~~ 18 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~~ 21 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, *or to drive a charter bus as defined in § 46.2-2000 requiring a Type P endorsement*, 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.

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59 § 46.2-341.10. Special provisions relating to commercial driver's instruction permit.

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

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

71 No person shall be issued a commercial driver's instruction permit to drive *a school buses bus or a*
72 *charter bus as defined in § 46.2-2000 requiring a Type P endorsement* during any period in which he is
73 a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required
74 pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

75 ~~It shall be unlawful for any~~ Any instruction permit holder ~~to operate~~ *who operates* a commercial
76 motor vehicle without being accompanied by a licensed driver as provided in this section. ~~Persons who~~
77 ~~violate this section shall be~~ *is* guilty of a Class 2 misdemeanor.

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

80 § 46.2-341.18:3. Cancellation of commercial driver's license endorsement for certain offenders.

81 The Commissioner shall cancel the *(i) Type S school bus endorsement or (ii) Type P endorsement of*
82 *a person who drives a charter bus as defined in § 46.2-2000* for any person holding a commercial
83 driver's license or commercial driver's instruction permit who is convicted of an offense for which
84 registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9
85 (§ 9.1-900 et seq.) of Title 9.1.