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**HOUSE BILL NO. 560**

Offered January 11, 2012

Prefiled January 10, 2012

*A BILL to amend and reenact § 46.2-320 of the Code of Virginia, relating to persons to be denied driver's licenses.*

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Patron—Marshall, D.W.

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Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-320 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-320. Other grounds for refusal or suspension.

A. The Department may refuse to grant an application for a driver's license in any of the circumstances set forth in § 46.2-608 as circumstances justifying the refusal of an application for the registration of a motor vehicle. The Department may refuse to issue or reissue a driver's license for the willful failure or refusal to pay any taxes or fees required to be collected or authorized to be collected by the Department.

B. The Commissioner may enter into an agreement with the Department of Social Services whereby the Department may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons or warrant relating to paternity or child support proceedings. A suspension or refusal to renew authorized pursuant to this section shall not be effective until 30 days after service on the delinquent obligor of notice of intent to suspend or refuse to renew. The notice of intent shall be served on the obligor by the Department of Social Services (a) by certified mail, return receipt requested, sent to the obligor's last known addresses as shown in the records of the Department or the Department of Social Services or (b) pursuant to § 8.01-296, or (c) service may be waived by the obligor in accordance with procedures established by the Department of Social Services. The obligor shall be entitled to a judicial hearing if a request for a hearing is made, in writing, to the Department of Social Services within 10 days from service of the notice of intent. Upon receipt of the request for a hearing, the Department of Social Services shall petition the court that entered or is enforcing the order, requesting a hearing on the proposed suspension or refusal to renew. The court shall authorize the suspension or refusal to renew only if it finds that the obligor's noncompliance with the child support order was willful. Upon a showing by the Department of Social Services that the obligor is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more, the burden of proving that the delinquency was not willful shall rest upon the obligor. The Department shall not suspend or refuse to renew the driver's license until a final determination is made by the court.

C. At any time after service of a notice of intent, the person may petition the juvenile and domestic relations district court in the jurisdiction where he resides for the issuance of a restricted license to be used if the suspension or refusal to renew becomes effective. Upon such petition and a finding of good cause, the court may provide that such person be issued a restricted permit to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1. A restricted license issued pursuant to this subsection shall not permit any person to operate a commercial motor vehicle as defined in § 46.2-341.4. The court shall order the surrender of the person's license to operate a motor vehicle, to be disposed of in accordance with the provisions of § 46.2-398, and shall forward to the Commissioner a copy of its order entered pursuant to this subsection. The order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify him.

D. The Department shall not renew a driver's license or terminate a license suspension imposed pursuant to this section until it has received from the Department of Social Services a certification that the person has (i) paid the delinquency in full; (ii) reached an agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed 10 years and at least one payment, representing at least five percent of the total delinquency or \$600, whichever is greater, has been made pursuant to the agreement; (iii) complied with a subpoena, summons or warrant relating to a paternity or child support proceeding; or (iv) completed or is successfully participating in an intensive case monitoring program for child support ordered by a juvenile and domestic relations district court for noncustodial parents, as determined by the court. Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that

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59 payment required by clause (i) or (ii) is made.

60 E. If a person who has entered into an agreement with the Department of Social Services pursuant to  
61 clause (ii) of subsection D fails to comply with the requirements of the agreement, the Department of  
62 Social Services shall notify the Department of the person's noncompliance and the Department shall  
63 suspend or refuse to renew the driver's license of the person until it has received from the Department  
64 of Social Services a certification that the person has paid the delinquency in full or has entered into a  
65 subsequent agreement with the Department of Social Services to satisfy the delinquency within a period  
66 not to exceed 7 years and has made at least one payment of \$1,200 or five percent of the total  
67 delinquency, whichever is greater, pursuant to the agreement. If the person fails to comply with the  
68 terms of a subsequent agreement reached with the Department of Social Services pursuant to this  
69 section, without further notice to the person as provided in the subsequent agreement, the Department of  
70 Social Services shall notify the Department of the person's noncompliance and the Department shall  
71 suspend or refuse to renew the driver's license of the person. A person who has failed to comply with  
72 the terms of a second or subsequent agreement pursuant to this subsection may be granted a new  
73 agreement with the Department of Social Services if the person has made at least one payment of  
74 \$1,800 or five percent of the total delinquency, whichever is greater, and agrees to a repayment schedule  
75 of not more than 7 years. Upon receipt of certification from the Department of Social Services of the  
76 person's satisfaction of these conditions, the Department shall issue a driver's license to the person or  
77 reinstate the person's driver's license. Certification by the Department of Social Services shall be made  
78 by electronic or telephonic communication and shall be made on the same work day that payment  
79 required by this subsection is made.

80 *F. The Department shall not issue a driver's license to any applicant less than 21 years old unless*  
81 *the applicant can provide proof acceptable to the Commissioner that he is either a high school graduate*  
82 *or has earned a general equivalency diploma (GED). The provisions of the subsection shall not apply to*  
83 *issuance of either learner's permits or provisional driver's licenses.*