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**HOUSE BILL NO. 771****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Transportation  
on February 19, 2014)

(Patron Prior to Substitute—Delegate Hugo)

*A BILL to amend and reenact §§ 16.1-69.48:1, 17.1-275, 38.2-2217, 46.2-330, and 46.2-505 of the Code of Virginia, relating to mature driver motor vehicle crash prevention course and license renewal.***Be it enacted by the General Assembly of Virginia:****1. That §§ 16.1-69.48:1, 17.1-275, 38.2-2217, 46.2-330, and 46.2-505 of the Code of Virginia are amended and reenacted as follows:****§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.**

A. Assessment of the fees provided for in this section shall be based on: (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school, *a mature driver motor vehicle crash prevention course*, or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251 or 19.2-303.2; or (vi) proof of compliance with law under §§ 46.2-104 and 46.2-1158.02.

In addition to any other fee prescribed by this section, a fee of \$35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D of this section more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of \$61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.573770);
2. Virginia Crime Victim-Witness Fund (.049180);
3. Regional Criminal Justice Training Academies Fund (.016393);
4. Courthouse Construction/Maintenance Fund (.032787);
5. Criminal Injuries Compensation Fund (.098361);
6. Intensified Drug Enforcement Jurisdiction Fund (.065574);
7. Sentencing/supervision fee (General Fund) (.131148); and
8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

C. In criminal actions and proceedings in district court for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$136. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.257353);
2. Virginia Crime Victim-Witness Fund (.022059);
3. Regional Criminal Justice Training Academies Fund (.007353);
4. Courthouse Construction/Maintenance Fund (.014706);
5. Criminal Injuries Compensation Fund (.044118);
6. Intensified Drug Enforcement Jurisdiction Fund (.029412);
7. Drug Offender Assessment and Treatment Fund (.551471);
8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and
9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of \$51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by

60 law, to the following funds in the fractional amounts designated:

- 61 1. Processing fee (General Fund) (.764706);
- 62 2. Virginia Crime Victim-Witness Fund (.058824);
- 63 3. Regional Criminal Justice Training Academies Fund (.019608);
- 64 4. Courthouse Construction/Maintenance Fund (.039216);
- 65 5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and
- 66 6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

67 **§ 17.1-275. Fees collected by clerks of circuit courts; generally.**

68 A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the  
69 following fees:

70 1. [Repealed.]

71 2. For recording and indexing in the proper book any writing and all matters therewith, or for  
72 recording and indexing anything not otherwise provided for, \$16 for an instrument or document  
73 consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30  
74 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets.  
75 Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half  
76 inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of  
77 computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be  
78 charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a  
79 single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction  
80 that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty  
81 cents of the fee collected for recording and indexing shall be designated for use in preserving the  
82 permanent records of the circuit courts. The sum collected for this purpose shall be administered by The  
83 Library of Virginia in cooperation with the circuit court clerks.

84 3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other  
85 fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding  
86 \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall  
87 be charged for estates of \$5,000 or less.

88 4. For entering and granting and for issuing any license, other than a marriage license or a hunting  
89 and fishing license, and administering an oath when necessary, \$10.

90 5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths  
91 or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage  
92 pursuant to § 20-25, \$25 to be paid by the petitioner.

93 6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all  
94 necessary oaths and writing proper affidavits, \$3.

95 7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee  
96 shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

97 8. For making out a copy of any paper, record, or electronic record to go out of the office, which is  
98 not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record,  
99 each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies  
100 and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out  
101 the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing  
102 body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this  
103 subdivision. For purposes of this section, the costs of making out the copies authorized under this  
104 section shall include costs included in the lease and maintenance agreements for the equipment and the  
105 technology needed to operate electronic systems in the clerk's office used to make out the copies, but  
106 shall not include salaries or related benefits. The costs of copies shall otherwise be determined in  
107 accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree  
108 to send an attested copy to such party.

109 9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying  
110 it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do  
111 so, the clerk shall charge an additional \$0.50.

112 10. In any case in which a person is convicted of a violation of any provision of Article 1  
113 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk  
114 shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which  
115 shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and  
116 Treatment Fund.

117 11. In any case in which a person is convicted of a violation of any provision of Article 1  
118 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk  
119 shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251,  
120 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and  
121 Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school, *a mature driver motor vehicle crash prevention course*, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the

183 transaction or a flat fee of \$2 per transaction. Nothing herein shall be construed to prohibit the clerk  
184 from outsourcing the processing of credit and debit card transactions to a third-party private vendor  
185 engaged by the clerk.

186 28. For the return of any check unpaid by the financial institution on which it was drawn or notice is  
187 received from the credit or debit card issuer that payment will not be made for any reason, the clerk  
188 shall collect, if allowed by the court, a fee of \$50 or 10 percent of the amount of the payment,  
189 whichever is greater.

190 29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1,  
191 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee  
192 imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption  
193 filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an  
194 additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Putative Father Registry  
195 Fund pursuant to § 63.2-1249.

196 30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the  
197 same amount as the fee for the original license.

198 31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125, and 33.1-129, a fee of \$5 to  
199 be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in  
200 § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as  
201 for recording a deed as provided for in this section, to be paid by the party upon whose request such  
202 certificate is recorded or order is entered.

203 32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme  
204 Court, including all papers necessary to be copied and other services rendered, except in cases in which  
205 costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8,  
206 or 17.1-275.9, a fee of \$20.

207 33. [Repealed.]

208 34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees  
209 shall be as prescribed in that Act.

210 35. For filing the appointment of a resident agent for a nonresident property owner in accordance  
211 with § 55-218.1, a fee of \$10.

212 36. [Repealed.]

213 37. For recordation of certificate and registration of names of nonresident owners in accordance with  
214 § 59.1-74, a fee of \$10.

215 38. For maintaining the information required under the Overhead High Voltage Line Safety Act  
216 (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

217 39. For lodging, indexing and preserving a will in accordance with § 64.2-409, a fee of \$2.

218 40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed  
219 under § 8.9A-525.

220 41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed  
221 under § 8.9A-525.

222 42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as  
223 prescribed under § 8.9A-525.

224 43. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

225 44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

226 45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee  
227 of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an  
228 additional fee of \$1.50, in accordance with subdivision A 44.

229 B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A  
230 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction,  
231 renovation or maintenance.

232 C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A  
233 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the  
234 poor, without charge, by a nonprofit legal aid program.

235 D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A  
236 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

237 E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into  
238 a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

239 F. The provisions of this section shall control the fees charged by clerks of circuit courts for the  
240 services above described.

241 **§ 38.2-2217. Reduction in rates for certain persons who attend mature driver motor vehicle**  
242 **crash prevention courses and driver improvement clinics.**

243 A. Any schedule of rates, rate classifications or rating plans for motor vehicle insurance as defined in  
244 § 38.2-2212 filed with the Commission shall provide for an appropriate reduction in premium charges

for those insured persons who are fifty-five years of age and older and who qualify as provided in this subsection. Only those insured persons who have *voluntarily and* successfully completed a *mature driver* motor vehicle crash prevention course approved by the Department of Motor Vehicles shall qualify for a three-year period after the completion of the course for the reduction in rates. No reduction in premiums shall be allowed for a self-instructed course or for any course that does not provide actual classroom instruction for a minimum number of hours as determined by the Department of Motor Vehicles. Notwithstanding the foregoing provisions of this section, a course sponsor that has been approved by the Department for the classroom delivery of a *mature driver motor vehicle* crash prevention course may also be approved to deliver that same substantive course through a secure computer-based medium provided via the Internet or other electronic means that have been approved by the Department, provided that the sponsor has acceptable security features designed to assure that the certificates issued pursuant to subsection E are issued to the same person who took the course and passed the examination related to the course. *No person assigned by the court to attend a mature driver motor vehicle crash prevention course shall be eligible for such reduction in premium charges.*

B. Any schedule of rates, rate classifications or rating plans for motor vehicle insurance as defined in § 38.2-2212 filed with the Commission may provide for an appropriate reduction in premium charges for a two-year period for those insured persons who are fifty-four years of age or younger and who have satisfactorily completed a driver improvement clinic approved by the Department of Motor Vehicles, as set forth in Article 19 (§ 46.2-489 et seq.) of Chapter 3 of Title 46.2. No person assigned by the courts or notified by the Department of Motor Vehicles to attend a driver improvement clinic shall be eligible for such reduction in premium charges.

C. The Commission and the Department of Motor Vehicles may promulgate rules and regulations which will assist them in carrying out the provisions of this section.

D. All insurers writing motor vehicle insurance in Virginia as defined in § 38.2-2212 shall allow an appropriate reduction in premium charges to all eligible persons upon successfully completing an approved crash prevention course through actual classroom instruction subject to the provisions of subsection A. Such insurers may allow an appropriate reduction in premium charges to all eligible persons upon successfully completing an approved crash prevention course via the Internet or other electronic means subject to the provisions of subsection A.

E. Upon successfully completing the approved course, the course's sponsor shall issue to each participant a certificate approved by the Department of Motor Vehicles which shall be evidence of satisfactory completion of either a *mature driver* motor vehicle crash prevention course or a driver improvement clinic for the reduction in premium charges. Participants shall be required to provide satisfactory evidence to the insurance provider that the course or clinic was completed in accordance with this section.

F. Each participant in a *mature driver* motor vehicle crash prevention course shall take an approved course every three years in order to continue to be eligible for the reduction in premium charges. Each voluntary participant in a driver improvement clinic shall take an approved course every two years in order to continue to be eligible for the reduction in premium charges, if any.

G. Nothing in this section prevents an insurer from offering appropriately reduced rates based solely on age.

#### **§ 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. *Any driver's license issued to a person age 75 or older shall be issued for a period not to exceed five years.* Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the license was not issued as a temporary driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. 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 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

306 must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the  
307 period of validity of the driver's license beyond its expiration date. The license holder may request the  
308 Department to send such renewal notice to an email or other electronic address, upon provision of such  
309 address to the Department.

310 Any driver's license may be renewed by application after the applicant has taken and successfully  
311 completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia  
312 Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the  
313 parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person  
314 for renewal of a license shall take and successfully complete the examination each renewal year. Every  
315 applicant for a renewal shall appear in person before the Department, unless specifically notified by the  
316 Department that renewal may be accomplished in another manner as provided in the notice. Applicants  
317 who are required to appear in person before the Department to apply for a renewal may also be required  
318 to present proof of identity, legal presence, residency, and social security number or non-work  
319 authorized status.

320 C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may  
321 require any applicant for renewal to be fully examined as provided in §§ 46.2-311, 46.2-325, and the  
322 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less  
323 than 80 75 years old, the Commissioner may waive the vision examination for any applicant for renewal  
324 of a driver's license which is not a commercial driver's license, and the requirement or the taking of the  
325 written test as provided in subsection B of this section, § 46.2-325 and the Virginia Commercial Driver's  
326 License Act (§ 46.2-341.1 et seq.), for any applicant for renewal who is at least 21 years old. Such  
327 written test shall not be waived for an applicant less than 21 years old if such applicant's driver's license  
328 record on file with the Department contains a record of one or more convictions for any offense  
329 reportable under §§ 46.2-382, 46.2-382.1, and 46.2-383. However, in no case shall there be any waiver  
330 of the vision examination for applicants for renewal of a commercial driver's license or of the  
331 knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials  
332 endorsement on a commercial driver's license. No driver's license or learner's permit issued to any  
333 person who is 80 75 years old or older shall be renewed unless the applicant for renewal appears in  
334 person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made  
335 within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision  
336 meets or exceeds the standards contained in § 46.2-311.

337 D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent  
338 on any examination of the applicant, shall appear in person before the Department to apply for renewal,  
339 unless specifically notified by the Department that renewal may be accomplished in another manner as  
340 provided in the notice.

341 E. This section shall not modify the provisions of § 46.2-221.2.

342 F. 1. The Department shall electronically transmit application information, including a photograph, to  
343 the Department of State Police, in a format approved by the State Police, for comparison with  
344 information contained in the Virginia Criminal Information Network and National Crime Information  
345 Center Convicted Sexual Offender Registry Files, at the time of the renewal of a driver's license.  
346 Whenever it appears from the records of the State Police that a person has failed to comply with the  
347 duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall  
348 promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant  
349 or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the  
350 person last registered or reregistered or in the jurisdiction where the person made application for  
351 licensure. The Department of State Police shall electronically transmit to the Department, in a format  
352 approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1,  
353 registry information consisting of the person's name, all aliases that he has used or under which he may  
354 have been known, his date of birth and social security number as set out in § 9.1-903.

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

358 **§ 46.2-505. Court may direct defendant to attend driver improvement clinic.**

359 A. Any circuit or general district court or juvenile court of the Commonwealth, or any federal court,  
360 charged with the duty of hearing traffic cases for offenses committed in violation of any law of the  
361 Commonwealth, or any valid local ordinance, or any federal law regulating the movement or operation  
362 of a motor vehicle, may require any person found guilty, or in the case of a juvenile found not innocent,  
363 of a violation of any state law, local ordinance, or federal law, to attend a driver improvement clinic *or*  
364 *a mature driver motor vehicle crash prevention course as provided for in § 38.2-2217*. The attendance  
365 requirement may be in lieu of or in addition to the penalties prescribed by § 46.2-113, the ordinance, or  
366 federal law. The court shall determine if a person is to receive safe driving points upon satisfactory  
367 completion of a driver improvement clinic conducted by the Department or by any business,

organization, governmental entity or individual certified by the Department to provide driver improvement clinic instruction. In the absence of such notification, no safe driving points shall be awarded by the Department.

B. Notwithstanding the provisions of subsection A, no court shall, as a result of a person's attendance at a driver improvement clinic *or a mature driver motor vehicle crash prevention course*, reduce, dismiss, or defer the conviction of a person charged with any offense committed while operating a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.) or any holder of a commercial driver's license charged with any offense committed while operating a noncommercial motor vehicle.

C. Persons required by the court to attend a driver improvement clinic *or a mature driver motor vehicle crash prevention course* shall notify the court if the driver improvement clinic *or mature driver motor vehicle crash prevention course* has or has not been attended and satisfactorily completed, in compliance with the court order. Failure of the person to attend and satisfactorily complete a driver improvement clinic *or mature driver motor vehicle crash prevention course*, in compliance with the court order, may be punished as contempt of such court.

**2. That the provisions of this act shall become effective on January 1, 2015.**