

CHAPTER 368

An Act to amend and reenact §§ 46.2-205.2, 46.2-214, 46.2-328, and 46.2-330 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-214.4, relating to transactions with the Department of Motor Vehicles.

[H 417]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-205.2, 46.2-214, 46.2-328, and 46.2-330 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-214.4 as follows:

§ 46.2-205.2. Agreements with other agencies or contractors for other agencies; collection of fees.

The Commissioner may enter into an agreement with an agency of the Commonwealth, any other state, or the federal government, *or where the underlying contract permits, a contractor for such state or federal agency*, to conduct customer service transactions on behalf of that agency for the benefit of Virginia residents. For each such transaction conducted, the Department shall collect from the customer any transaction fee required by the responsible agency *or contractor* and remit the same to that agency *or contractor* in accordance with the terms of the agreement. *However, the Department may receive a portion of the transaction fee required by the responsible agency or contractor in accordance with the terms of the agreement in order to defray the costs of the transaction to the Department.* The Department may also impose and collect a processing fee to be used to defray the costs of the transaction to the Department. The amount of the processing fee, if imposed, shall be \$2, unless otherwise specified by law. *Any transaction fees received from the responsible agency or contractor or processing fees imposed and collected by the Department from the agency, contractor, or customer under this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.*

For purposes of this section, "state," when applied to a part of the United States, means any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, and the United States Virgin Islands.

§ 46.2-214. Charges for information supplied by Department.

The Commissioner may make a reasonable charge for furnishing information under this title, but no fee shall be charged to any official of the Commonwealth, including court and police officials; officials of counties, cities, ~~and~~ *or* towns; local government group self-insurance pools; ~~and~~ *or* court, police, ~~and~~ *or* licensing officials of other states ~~and~~ *or* of the federal government, provided that the information requested is for official use *and such officials do not charge the Commonwealth a fee for the provision of the same or substantially similar information.* The fees received by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

§ 46.2-214.4. Discount for online transactions.

The Department may offer a \$1 discount for the following transactions if conducted using the Internet: (i) a driver's license renewal pursuant to § 46.2-330, (ii) a driver's license duplicate or reissue pursuant to § 46.2-343, (iii) an identification card renewal pursuant to § 46.2-345, (iv) an identification card duplicate or reissue pursuant to § 46.2-345, or (v) a certificate of title replacement pursuant to § 46.2-607.

§ 46.2-328. Department to issue licenses; endorsements, classifications, and restrictions authorizing operation of certain vehicles.

A. The Department shall issue to every person licensed as a driver, a driver's license. Every driver's license shall contain all appropriate endorsements, classifications, and restrictions, where applicable, if the licensee has been licensed:

1. To operate a motorcycle as defined in § 46.2-100, ~~or~~;
2. To operate a school bus as defined in § 46.2-100, ~~or~~;
3. To operate a commercial motor vehicle pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.); *or*

4. *To operate a passenger car as defined in § 46.2-100.*

B. Every applicant intending to operate one or more of the motor vehicles described in subsection A ~~of this section~~, when applying for a driver's license, shall state in his application the classification of ~~the~~ *each vehicle or vehicles* that he intends to operate and for which he seeks to be licensed and submit to and pass the examination provided for in § 46.2-325 and, if applicable, §§ 46.2-337 and 46.2-341.14,

using the type of *each* vehicle ~~or vehicles~~ for which he seeks to be licensed.

C. Every applicant intending to drive a motorcycle, when applying for a classification to authorize the driving of a motorcycle, shall submit to and pass the examination provided for in § 46.2-337. A classification on any license to drive a motorcycle shall indicate that the license is classified for the purpose of authorizing the licensee to drive only motorcycles and shall indicate as applicable a further restriction to a two-wheeled motorcycle only or a three-wheeled motorcycle only. However, if the applicant has a valid license at the time of application for a classification to drive a motorcycle, or if the applicant, at the time of such application, applies for a regular driver's license and submits to and passes the examination provided for in § 46.2-325, he shall be granted a classification on his license to drive motorcycles based on the applicable restrictions, in addition to any other vehicles his driver's license or commercial driver's license may authorize him to operate.

A valid Virginia driver's license issued to a person 19 years of age or older shall constitute a driver's license with a temporary motorcycle classification for the purposes of driving a motorcycle if the driver's license is accompanied by either (i) documentation verifying his successful completion of a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10 or (ii) documentation that the license holder is a member, the spouse of a member, or a dependent of a member of the United States Armed Services and that the license holder has successfully completed a basic motorcycle rider course approved by the United States Armed Services. The temporary motorcycle classification shall only be valid for 30 days from the date of successful completion of the motorcycle rider safety training course as shown on the documentation evidencing completion of such course. The temporary motorcycle classification shall indicate whether the license holder is authorized to operate any motorcycle or is restricted to either a two-wheeled motorcycle only or a three-wheeled motorcycle only.

Any person who holds a valid Virginia driver's license and is a member, the spouse of a member, or a dependent of a member of the United States Armed Services shall be issued a motorcycle classification by mail upon documentation of (a) successful completion of a basic motorcycle rider course approved by the United States Armed Services and (b) documentation of his assignment outside the Commonwealth.

D. The Department may make any changes in the classifications and endorsements during the validity of the license as may be appropriate.

E. The provisions of this section shall be applicable to persons applying for learner's permits as otherwise provided for in this title.

F. Every person issued a driver's license or commercial driver's license who drives any motor vehicle of the classifications in this section, and whose driver's license does not carry an endorsement or indication that the licensee is licensed as provided in this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

§ 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 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, *and* 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license ~~which~~ *that* is not a commercial driver's license, and the requirement ~~or~~ *for* 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 75 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 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 *his* 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.