

16100482D

HOUSE BILL NO. 417

Offered January 13, 2016

Prefiled January 7, 2016

A BILL 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.

Patrons—Bagby, Heretick, Krizek, Lindsey, McQuinn, Plum and Simon

Referred to Committee on Transportation

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 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

INTRODUCED

HB417

59 of this section, when applying for a driver's license, shall state in his application the classification of the
60 each vehicle or vehicles that he intends to operate and for which he seeks to be licensed and submit to
61 and pass the examination provided for in § 46.2-325 and, if applicable, §§ 46.2-337 and 46.2-341.14,
62 using the type of each vehicle or vehicles for which he seeks to be licensed.

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

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

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

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

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

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

98 **§ 46.2-330. Expiration and renewal of licenses; examinations required.**

99 A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for
100 which a driver's license has been issued. At no time shall any driver's license be issued for more than
101 eight years. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and
102 shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's
103 license issued to a person age 75 or older shall be issued for a period not to exceed five years.
104 Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring
105 license if (i) the Department is unable to process an application for renewal due to circumstances
106 beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii)
107 the license was not issued as a temporary driver's license under the provisions of subsection B of
108 § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per
109 occurrence of such conditions. In determining the number of years for which a driver's license shall be
110 renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and
111 other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any
112 driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title
113 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible
114 by five.

115 B. Within one year prior to the date shown on the driver's license as the date of expiration, the
116 Department shall send notice, to the holder thereof, at the address shown on the records of the
117 Department in its driver's license file, that his license will expire on a date specified therein, whether he
118 must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the
119 period of validity of the driver's license beyond its expiration date. The license holder may request the
120 Department to send such renewal notice to an email or other electronic address, upon provision of such

121 address to the Department.

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

132 C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may
133 require any applicant for renewal to be fully examined as provided in §§ 46.2-311, and 46.2-325, and
134 the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less
135 than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of
136 a driver's license ~~which~~ *that* is not a commercial driver's license, and the requirement ~~of~~ *for* the taking
137 of the written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial
138 Driver's License Act (§ 46.2-341.1 et seq.); ~~for any applicant for renewal who is at least 21 years old.~~
139 ~~Such written test shall not be waived for an applicant less than 21 years old if such applicant's driver's~~
140 ~~license record on file with the Department contains a record of one or more convictions for any offense~~
141 ~~reportable under §§ 46.2-382, 46.2-382.1, and 46.2-383.~~ However, in no case shall there be any waiver
142 of the vision examination for applicants for renewal of a commercial driver's license or of the
143 knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials
144 endorsement on a commercial driver's license. No driver's license or learner's permit issued to any
145 person who is 75 years old or older shall be renewed unless the applicant for renewal appears in person
146 and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within
147 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or
148 exceeds the standards contained in § 46.2-311.

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

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

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

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