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HOUSE BILL NO. 1318

Offered January 10, 2018

A BILL to amend and reenact §§ 2.2-3705.7, 2.2-3808.1, 4.1-305, 8.01-313, 8.01-420.8, 8.9A-503, 12.1-19, 16.1-69.40:1, 16.1-228, 17.1-293, 18.2-6, 18.2-268.1, 19.2-258.1, 20-60.3, 20-107.1, 22.1-205, 24.2-410.1, 24.2-411.1, 24.2-416.7, 24.2-643, 32.1-291.2, 33.2-613, 38.2-2212, 46.2-328.1, 46.2-330, 46.2-332, 46.2-333.1, 46.2-335, 46.2-343, 58.1-3, 59.1-442, 59.1-443.3, 63.2-1916, and 63.2-1941 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-328.2, relating to driver privilege cards.

Patrons—Boysko, Hope, Levine, Plum and Rasoul; Senator: Ebbin

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.7, 2.2-3808.1, 4.1-305, 8.01-313, 8.01-420.8, 8.9A-503, 12.1-19, 16.1-69.40:1, 16.1-228, 17.1-293, 18.2-6, 18.2-268.1, 19.2-258.1, 20-60.3, 20-107.1, 22.1-205, 24.2-410.1, 24.2-411.1, 24.2-416.7, 24.2-643, 32.1-291.2, 33.2-613, 38.2-2212, 46.2-328.1, 46.2-330, 46.2-332, 46.2-333.1, 46.2-335, 46.2-343, 58.1-3, 59.1-442, 59.1-443.3, 63.2-1916, and 63.2-1941 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-328.2 as follows:

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing

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59 committee, special committee, or subcommittee of his house established solely for the purpose of
60 reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of
61 formulating advisory opinions to members on standards of conduct, or both.

62 7. Customer account information of a public utility affiliated with a political subdivision of the
63 Commonwealth, including the customer's name and service address, but excluding the amount of utility
64 service provided and the amount of money charged or paid for such utility service.

65 8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development
66 Authority concerning individuals who have applied for or received loans or other housing assistance or
67 who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by
68 the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the
69 waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and
70 housing authority created pursuant to § 36-4 concerning persons participating in or persons on the
71 waiting list for housing assistance programs funded by local governments or by any such authority; or
72 (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other
73 local government agency concerning persons who have applied for occupancy or who have occupied
74 affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's
75 own information shall not be denied.

76 9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if
77 disclosure of such information would have a detrimental effect upon the negotiating position of a
78 governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

79 10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled
80 plant and animal species, natural communities, caves, and significant historic and archaeological sites if,
81 in the opinion of the public body that has the responsibility for such information, disclosure of the
82 information would jeopardize the continued existence or the integrity of the resource. This exclusion
83 shall not apply to requests from the owner of the land upon which the resource is located.

84 11. Memoranda, graphics, video or audio tapes, production models, data, and information of a
85 proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a
86 specific lottery game design, development, production, operation, ticket price, prize structure, manner of
87 selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of
88 drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such
89 information not been publicly released, published, copyrighted, or patented. Whether released, published,
90 or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon
91 the first day of sales for the specific lottery game to which it pertains.

92 12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local
93 retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a
94 trust established by one or more local public bodies to invest funds for post-retirement benefits other
95 than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the
96 board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Virginia
97 College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition
98 of a security or other ownership interest in an entity, where such security or ownership interest is not
99 traded on a governmentally regulated securities exchange, if disclosure of such information would (i)
100 reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared by
101 the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan,
102 or provided to the retirement system, a local finance board or board of trustees, or the Virginia College
103 Savings Plan under a promise of confidentiality of the future value of such ownership interest or the
104 future financial performance of the entity and (ii) have an adverse effect on the value of the investment
105 to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees,
106 the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this
107 subdivision shall be construed to prevent the disclosure of information relating to the identity of any
108 investment held, the amount invested, or the present value of such investment.

109 13. Financial, medical, rehabilitative, and other personal information concerning applicants for or
110 recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority
111 under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

112 14. Information held by the Virginia Commonwealth University Health System Authority pertaining
113 to any of the following: an individual's qualifications for or continued membership on its medical or
114 teaching staffs; proprietary information gathered by or in the possession of the Authority from third
115 parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in
116 awarding contracts for construction or the purchase of goods or services; information of a proprietary
117 nature produced or collected by or for the Authority or members of its medical or teaching staffs;
118 financial statements not publicly available that may be filed with the Authority from third parties; the
119 identity, accounts, or account status of any customer of the Authority; consulting or other reports paid
120 for by the Authority to assist the Authority in connection with its strategic planning and goals; the

121 determination of marketing and operational strategies where disclosure of such strategies would be
 122 harmful to the competitive position of the Authority; and information of a proprietary nature produced
 123 or collected by or for employees of the Authority, other than the Authority's financial or administrative
 124 records, in the conduct of or as a result of study or research on medical, scientific, technical, or
 125 scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body
 126 or a private concern, when such information has not been publicly released, published, copyrighted, or
 127 patented. This exclusion shall also apply when such information is in the possession of Virginia
 128 Commonwealth University.

129 15. Information held by the Department of Environmental Quality, the State Water Control Board,
 130 the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active
 131 federal environmental enforcement actions that are considered confidential under federal law and (ii)
 132 enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such
 133 information shall be disclosed after a proposed sanction resulting from the investigation has been
 134 proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure
 135 of information related to inspection reports, notices of violation, and documents detailing the nature of
 136 any environmental contamination that may have occurred or similar documents.

137 16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel
 138 itinerary, including vehicle identification data or vehicle enforcement system information; video or
 139 photographic images; Social Security or other identification numbers appearing on driver's licenses;
 140 credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll
 141 facility use.

142 17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax
 143 identification number, state sales tax number, home address and telephone number, personal and lottery
 144 banking account and transit numbers of a retailer, and financial information regarding the nonlottery
 145 operations of specific retail locations and (ii) individual lottery winners, except that a winner's name,
 146 hometown, and amount won shall be disclosed.

147 18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a
 148 person regulated by the Board, where such person has tested negative or has not been the subject of a
 149 disciplinary action by the Board for a positive test result.

150 19. Information pertaining to the planning, scheduling, and performance of examinations of holder
 151 records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by
 152 or for the State Treasurer or his agents or employees or persons employed to perform an audit or
 153 examination of holder records.

154 20. Information held by the Virginia Department of Emergency Management or a local governing
 155 body relating to citizen emergency response teams established pursuant to an ordinance of a local
 156 governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or
 157 operating schedule of an individual participant in the program.

158 21. Information held by state or local park and recreation departments and local and regional park
 159 authorities concerning identifiable individuals under the age of 18 years. However, nothing in this
 160 subdivision shall operate to prevent the disclosure of information defined as directory information under
 161 regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the
 162 public body has undertaken the parental notification and opt-out requirements provided by such
 163 regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of
 164 such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction
 165 has restricted or denied such access. For such information of persons who are emancipated, the right of
 166 access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of
 167 the information may waive, in writing, the protections afforded by this subdivision. If the protections are
 168 so waived, the public body shall open such information for inspection and copying.

169 22. Information submitted for inclusion in the Statewide Alert Network administered by the
 170 Department of Emergency Management that reveal names, physical addresses, email addresses, computer
 171 or internet protocol information, telephone numbers, pager numbers, other wireless or portable
 172 communications device information, or operating schedules of individuals or agencies, where the release
 173 of such information would compromise the security of the Statewide Alert Network or individuals
 174 participating in the Statewide Alert Network.

175 23. Information held by the Judicial Inquiry and Review Commission made confidential by
 176 § 17.1-913.

177 24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local
 178 retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement
 179 system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

180 a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings
 181 Plan on the pursuit of particular investment strategies, or the selection or termination of investment

182 managers, prior to the execution of such investment strategies or the selection or termination of such
183 managers, if disclosure of such information would have an adverse impact on the financial interest of
184 the retirement system or the Virginia College Savings Plan; and

185 b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a
186 private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records
187 would have an adverse impact on the financial interest of the retirement system or the Virginia College
188 Savings Plan.

189 For the records specified in subdivision b to be excluded from the provisions of this chapter, the
190 entity shall make a written request to the retirement system or the Virginia College Savings Plan:

191 (1) Invoking such exclusion prior to or upon submission of the data or other materials for which
192 protection from disclosure is sought;

193 (2) Identifying with specificity the data or other materials for which protection is sought; and

194 (3) Stating the reasons why protection is necessary.

195 The retirement system or the Virginia College Savings Plan shall determine whether the requested
196 exclusion from disclosure meets the requirements set forth in subdivision b.

197 Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of
198 any investment held or the present value and performance of all asset classes and subclasses.

199 25. Information held by the Department of Corrections made confidential by § 53.1-233.

200 26. Information maintained by the Department of the Treasury or participants in the Local
201 Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the
202 Department to establish accounts in accordance with § 2.2-4602.

203 27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident
204 Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers,
205 except that access shall not be denied to the person who is the subject of the information.

206 28. Information maintained in connection with fundraising activities by the Veterans Services
207 Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone
208 number, social security number or other identification number appearing on a driver's license *or other*
209 *document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another*
210 *jurisdiction*, or credit card or bank account data of identifiable donors, except that access shall not be
211 denied to the person who is the subject of the information. Nothing in this subdivision, however, shall
212 be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of
213 the pledge or donation or the identity of the donor, unless the donor has requested anonymity in
214 connection with or as a condition of making a pledge or donation. The exclusion provided by this
215 subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or
216 contracting with the foundation for the performance of services or other work or (ii) the terms and
217 conditions of such grants or contracts.

218 29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the
219 training of state prosecutors or law-enforcement personnel, where such information is not otherwise
220 available to the public and the disclosure of such information would reveal confidential strategies,
221 methods, or procedures to be employed in law-enforcement activities or materials created for the
222 investigation and prosecution of a criminal case.

223 30. Information provided to the Department of Aviation by other entities of the Commonwealth in
224 connection with the operation of aircraft where the information would not be subject to disclosure by the
225 entity providing the information. The entity providing the information to the Department of Aviation
226 shall identify the specific information to be protected and the applicable provision of this chapter that
227 excludes the information from mandatory disclosure.

228 31. Information created or maintained by or on the behalf of the judicial performance evaluation
229 program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

230 32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are
231 discussed by any sexual assault team established pursuant to § 15.2-1627.4 or (ii) individual child abuse
232 or neglect cases or sex offenses involving a child are discussed by multidisciplinary child abuse teams
233 established pursuant to § 15.2-1627.5. The findings of any such team may be disclosed or published in
234 statistical or other aggregated form that does not disclose the identity of specific individuals.

235 33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the
236 Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target
237 companies, specific allocation of resources and staff for marketing activities, and specific marketing
238 activities that would reveal to the Commonwealth's competitors for economic development projects the
239 strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial
240 interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and
241 operational plan shall not be redacted or withheld pursuant to this subdivision.

242 **§ 2.2-3808.1. Agencies' disclosure of certain account information prohibited.**

243 Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of this title, it shall be unlawful for any agency to

244 disclose the social security number or other identification numbers appearing on driver's licenses or
 245 other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of
 246 another jurisdiction, or information on credit cards, debit cards, bank accounts, or other electronic
 247 billing and payment systems that was supplied to an agency for the purpose of paying fees, fines, taxes,
 248 or other charges collected by such agency. The prohibition shall not apply where disclosure of such
 249 information is required (i) to conduct or complete the transaction for which such information was
 250 submitted or (ii) by other law or court order.

251 **§ 4.1-305. Purchasing or possessing alcoholic beverages unlawful in certain cases; venue;**
 252 **exceptions; penalty; forfeiture; deferred proceedings; treatment and education programs and**
 253 **services.**

254 A. No person to whom an alcoholic beverage may not lawfully be sold under § 4.1-304 shall
 255 consume, purchase or possess, or attempt to consume, purchase or possess, any alcoholic beverage,
 256 except (i) pursuant to subdivisions 1 through 7 of § 4.1-200; (ii) where possession of the alcoholic
 257 beverages by a person less than 21 years of age is due to such person's making a delivery of alcoholic
 258 beverages in pursuance of his employment or an order of his parent; or (iii) by any state, federal, or
 259 local law-enforcement officer or his agent when possession of an alcoholic beverage is necessary in the
 260 performance of his duties. Such person may be prosecuted either in the county or city in which the
 261 alcohol was possessed or consumed, or in the county or city in which the person exhibits evidence of
 262 physical indicia of consumption of alcohol. It shall be an affirmative defense to a charge of a violation
 263 of this subsection if the defendant shows that such consumption or possession was pursuant to
 264 subdivision 7 of § 4.1-200.

265 B. No person under the age of 21 years shall use or attempt to use any (i) altered, fictitious,
 266 facsimile or simulated license to operate a motor vehicle, (ii) altered, fictitious, facsimile or simulated
 267 document, including, but not limited to a birth certificate or student identification card, or (iii) motor
 268 vehicle operator's driver's license, birth certificate or student identification card of another person in
 269 order to establish a false identification or false age for himself to consume, purchase or attempt to
 270 consume or purchase an alcoholic beverage.

271 C. Any person found guilty of a violation of this section shall be guilty of a Class 1 misdemeanor,
 272 and upon conviction, (i) such person shall be ordered to pay a mandatory minimum fine of \$500 or
 273 ordered to perform a mandatory minimum of 50 hours of community service as a condition of probation
 274 supervision and (ii) the license to operate a motor vehicle in the Commonwealth of any such person age
 275 18 or older shall be suspended for a period of not less than six months and not more than one year; the
 276 license to operate a motor vehicle in the Commonwealth of any juvenile shall be handled in accordance
 277 with the provisions of § 16.1-278.9. The court, in its discretion and upon a demonstration of hardship,
 278 may authorize an adult convicted of a violation of this section the use of a restricted ~~permit~~ license to
 279 operate a motor vehicle in accordance with the provisions of subsection E of § 18.2-271.1 or when
 280 referred to a local community-based probation services agency established pursuant to Article 9
 281 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1. During the period of license suspension, the court may
 282 require an adult who is issued a restricted ~~permit~~ license under the provisions of this subsection to be
 283 (a) monitored by an alcohol safety action program, or (b) supervised by a local community-based
 284 probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1,
 285 if one has been established for the locality. The alcohol safety action program or local community-based
 286 probation services agency shall report to the court any violation of the terms of the restricted ~~permit~~
 287 license, the required alcohol safety action program monitoring or local community-based probation
 288 services and any condition related thereto or any failure to remain alcohol-free during the suspension
 289 period.

290 D. Any alcoholic beverage purchased or possessed in violation of this section shall be deemed
 291 contraband and forfeited to the Commonwealth in accordance with § 4.1-338.

292 E. Any retail licensee who in good faith promptly notifies the Board or any state or local
 293 law-enforcement agency of a violation or suspected violation of this section shall be accorded immunity
 294 from an administrative penalty for a violation of § 4.1-304.

295 F. When any adult who has not previously been convicted of underaged consumption, purchase or
 296 possession of alcoholic beverages in Virginia or any other state or the United States is before the court,
 297 the court may, upon entry of a plea of guilty or not guilty, if the facts found by the court would justify
 298 a finding of guilt of a violation of subsection A, without entering a judgment of guilt and with the
 299 consent of the accused, defer further proceedings and place him on probation subject to appropriate
 300 conditions. Such conditions may include the imposition of the license suspension and restricted license
 301 provisions in subsection C. However, in all such deferred proceedings, the court shall require the
 302 accused to enter a treatment or education program or both, if available, that in the opinion of the court
 303 best suits the needs of the accused. If the accused is placed on local community-based probation, the
 304 program or services shall be located in any of the judicial districts served by the local community-based

305 probation services agency or in any judicial district ordered by the court when the placement is with an
 306 alcohol safety action program. The services shall be provided by (i) a program licensed by the
 307 Department of Behavioral Health and Developmental Services, (ii) certified by the Commission on
 308 VASAP, or (iii) by a program or services made available through a community-based probation services
 309 agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been
 310 established for the locality. When an offender is ordered to a local community-based probation services
 311 rather than the alcohol safety action program, the local community-based probation services agency shall
 312 be responsible for providing for services or referring the offender to education or treatment services as a
 313 condition of probation.

314 Upon violation of a condition, the court may enter an adjudication of guilt and proceed as otherwise
 315 provided. Upon fulfillment of the conditions, the court shall discharge the person and dismiss the
 316 proceedings against him without an adjudication of guilt. A discharge and dismissal hereunder shall be
 317 treated as a conviction for the purpose of applying this section in any subsequent proceedings.

318 When any juvenile is found to have committed a violation of subsection A, the disposition of the
 319 case shall be handled according to the provisions of Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title
 320 16.1.

321 **§ 8.01-313. Specific addresses for mailing by statutory agent.**

322 A. For the statutory agent appointed pursuant to §§ 8.01-308 and 8.01-309, the address for the
 323 mailing of the process as required by § 8.01-312 shall be the last known address of the nonresident or,
 324 where appropriate under subdivision B 1 or 2 of § 8.01-310 B, of the executor, administrator, or other
 325 personal representative of the nonresident. However, upon the filing of an affidavit by the plaintiff that
 326 he does not know and is unable with due diligence to ascertain any post-office address of such
 327 nonresident, service of process on the statutory agent shall be sufficient without the mailing otherwise
 328 required by this section. Provided further that:

329 1. In the case of a nonresident defendant licensed by the Commonwealth to operate a motor vehicle,
 330 the last address reported by such defendant to the Department of Motor Vehicles as his address on an
 331 application for or renewal of a driver's license driving privileges shall be deemed to be the address of
 332 the defendant for the purpose of the mailing required by this section if no other address is known, and,
 333 in any case in which the affidavit provided for in § 8.01-316 of this chapter is filed, such a defendant,
 334 by so notifying the Department of such an address, and by failing to notify the Department of any
 335 change therein, shall be deemed to have appointed the Commissioner of the Department of Motor
 336 Vehicles his statutory agent for service of process in an action arising out of operation of a motor
 337 vehicle by him in the Commonwealth, and to have accepted as valid service such mailing to such
 338 address; or

339 2. In the case of a nonresident defendant not licensed by the Commonwealth to operate a motor
 340 vehicle, the address shown on the copy of the report of accident required by § 46.2-372 filed by or for
 341 him with the Department, and on file at the office of the Department, or the address reported by such a
 342 defendant to any state or local police officer, or sheriff investigating the accident sued on, if no other
 343 address is known, shall be conclusively presumed to be a valid address of such defendant for the
 344 purpose of the mailing provided for in this section, and his so reporting of an incorrect address, or his
 345 moving from the address so reported without making provision for forwarding to him of mail directed
 346 thereto, shall be deemed to be a waiver of notice and a consent to and acceptance of service of process
 347 served upon the Commissioner of the Department of Motor Vehicles as provided in this section.

348 B. For the statutory agent appointed pursuant to § 64.2-1426, the address for the mailing of process
 349 as required by § 8.01-312 shall be the address of the fiduciary's statutory agent as contained in the
 350 written consent most recently filed with the clerk of the circuit court wherein the qualification of such
 351 fiduciary was had or, in the event of the death, removal, resignation or absence from the Commonwealth
 352 of such statutory agent, or in the event that such statutory agent cannot with due diligence be found at
 353 such address, the address of the clerk of such circuit court.

354 **§ 8.01-420.8. Protection of confidential information in court files.**

355 A. Whenever a party files, or causes to be filed, with the court a motion, pleading, subpoena, exhibit,
 356 or other document containing a social security number or other identification number appearing on a
 357 driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the
 358 comparable law of another jurisdiction, or on a credit card, debit card, bank account, or other electronic
 359 billing and payment system, the party shall make reasonable efforts to redact all but the last four digits
 360 of the identification number.

361 B. The provisions of subsection A apply to all civil actions in circuit and district court, unless there
 362 is a specific statute to the contrary that applies to the particular type of proceeding in which the party is
 363 involved.

364 C. Nothing in this section shall create a private cause of action against the party or lawyer who filed
 365 the document or any court personnel, the clerk, or any employees of the clerk's office who received it
 366 for filing.

367 **§ 8.9A-503. Name of debtor and secured party.**

368 (a) Sufficiency of debtor's name. A financing statement sufficiently provides the name of the debtor:

369 (1) except as otherwise provided in paragraph (3), if the debtor is a registered organization or the
370 collateral is held in a trust that is a registered organization, only if the financing statement provides the
371 name that is stated to be the registered organization's name on the public organic record most recently
372 filed with or issued or enacted by the registered organization's jurisdiction of organization which
373 purports to state, amend, or restate the registered organization's name;

374 (2) subject to subsection (f), if the collateral is being administered by the personal representative of a
375 decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent
376 and, in a separate part of the financing statement, indicates that the collateral is being administered by a
377 personal representative;

378 (3) if the collateral is held in a trust that is not a registered organization, only if the financing
379 statement:

380 (A) provides, as the name of the debtor:

381 (i) if the organic record of the trust specifies a name for the trust, the name specified; or

382 (ii) if the organic record of the trust does not specify a name for the trust, the name of the settlor or
383 testator; and

384 (B) in a separate part of the financing statement:

385 (i) if the name is provided in accordance with subparagraph (A)(i), indicates that the collateral is
386 held in trust; or

387 (ii) if the name is provided in accordance with subparagraph (A)(ii), provides additional information
388 sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same
389 testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

390 (4) subject to subsection (g), if the debtor is an individual to whom the Commonwealth has issued a
391 driver's license or ~~identification card pursuant to other document under Chapter 3 (§ 46.2-300 et seq.) of~~
392 Title 46.2 that has not expired, only if it provides the name of the individual which is indicated on the
393 driver's license or ~~identification card other document~~;

394 (5) if the debtor is an individual to whom paragraph (4) does not apply, only if it provides the
395 individual name of the debtor or the surname and first personal name of the debtor; and

396 (6) in other cases:

397 (A) if the debtor has a name, only if it provides the organizational name of the debtor; and

398 (B) if the debtor does not have a name, only if it provides the names of the partners, members,
399 associates, or other persons comprising the debtor, in a manner that each name provided would be
400 sufficient if the person named were the debtor.

401 (b) Additional debtor-related information. A financing statement that provides the name of the debtor
402 in accordance with subsection (a) is not rendered ineffective by the absence of:

403 (1) a trade name or other name of the debtor; or

404 (2) unless required under subsection (a)(6)(B), names of partners, members, associates, or other
405 persons comprising the debtor.

406 (c) Debtor's trade name insufficient. A financing statement that provides only the debtor's trade name
407 does not sufficiently provide the name of the debtor.

408 (d) Representative capacity. Failure to indicate the representative capacity of a secured party or
409 representative of a secured party does not affect the sufficiency of a financing statement.

410 (e) Multiple debtors and secured parties. A financing statement may provide the name of more than
411 one debtor and the name of more than one secured party.

412 (f) Name of decedent. The name of the decedent indicated on the order appointing the personal
413 representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as
414 the "name of the decedent" under subsection (a)(2).

415 (g) Multiple driver's licenses. If the Commonwealth has issued to an individual more than one
416 driver's license or ~~identification card other document~~ of a kind described in subsection (a)(4), the one
417 that was issued most recently is the one to which subsection (a)(4) refers.

418 (h) Definition. In this section, the "name of the settlor or testator" means:

419 (1) if the settlor is a registered organization, the name of the registered organization indicated on the
420 public organic record filed with or issued or enacted by the registered organization's jurisdiction of
421 organization; or

422 (2) in other cases, the name of the settlor or testator indicated in the trust's organic record.

423 **§ 12.1-19. Duties of clerk; records; copies; personal identifiable information; records related to**
424 **the administrative activities of the Commission; unauthorized filings.**

425 A. The clerk of the Commission shall:

426 1. Keep a record of all the proceedings, orders, findings, and judgments of the public sessions of the
427 Commission, and the minutes of the proceedings of each day's public session shall be read and approved

428 by the Commission and signed by its chairman, or acting chairman;

429 2. Subject to the supervision and control of the Commission, have custody of and preserve all of the
430 records, documents, papers, and files of the Commission, or which may be filed before it in any
431 complaint, proceeding, contest, or controversy, and such records, documents, papers, and files shall be
432 open to public examination in the office of the clerk to the same extent as the records and files of the
433 courts of this Commonwealth;

434 3. When requested, make and certify copies from any record, document, paper, or file in the clerk's
435 office, and if required, affix the seal of the Commission (or a facsimile thereof) thereto, and otherwise
436 furnish and certify information from the Commission records by any means the Commission may deem
437 suitable; and, except when made at the instance of the Commission or on behalf of the Commonwealth,
438 a political subdivision of the Commonwealth, or the government of the United States, the clerk shall
439 charge and collect the fees fixed by §§ 12.1-21.1 and 12.1-21.2; and any such copy or information, so
440 certified, shall have the same faith, credit, and legal effect as copies made and certified by the clerks of
441 the courts of this Commonwealth from the records and files thereof;

442 4. Certify all allowances made by the Commission to be paid out of the public treasury for witness
443 fees, service of process, or other expenses;

444 5. Issue all notices, writs, processes, or orders awarded by the Commission, or authorized by law, or
445 by the rules of the Commission;

446 6. Receive all fines and penalties imposed by the Commission, all moneys collected on judgments,
447 all registration fees required by law to be paid by corporations, limited liability companies, and other
448 types of business entities, including delinquencies thereof, and all other fees collected by the
449 Commission, and shall keep an accurate account of the same and the disposition of such receipts and
450 shall, at least once in every 30 days during the clerk's term of office, render a statement of all such
451 receipts and collections to the Comptroller, and pay the same into the treasury of the Commonwealth,
452 and shall keep all such other accounts of such collections and disbursements, and shall make all such
453 other reports thereof as may be required by law or by the regulations prescribed by the Comptroller; and

454 7. Generally have the powers, discharge the functions, and perform the duties of a clerk of a court of
455 record in all matters within the jurisdiction of the Commission. The Commission may designate one or
456 more deputies or assistants of the clerk who may discharge any of the clerk's official duties during the
457 clerk's continuance in office.

458 B. A person who prepares or submits to the office of the clerk of the Commission a document or
459 any information for filing with the Commission pursuant to Title 8.9A, Title 13.1, or Title 50 is
460 responsible for ensuring that the document or information does not contain any personal identifiable
461 information, unless such information is otherwise publicly available or is required or authorized by law
462 to be included in the document or information provided. For purposes of this subsection, "personal
463 identifiable information" means (i) a social security number or any other numbers appearing on driver's
464 licenses or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable
465 law of another jurisdiction; (ii) information on credit cards, debit cards, bank accounts, or other
466 electronic billing and payment systems; (iii) a date of birth identified with a particular individual; (iv)
467 the maiden name of an individual's parent; or (v) any financial account number. Any person who
468 prepares or submits to the office of the clerk a document for filing that contains personal identifiable
469 information shall be deemed to have authorized the clerk or any member of the clerk's staff to remove,
470 delete, or obliterate, without prior notice, such information prior or subsequent to recording or filing the
471 document in the office of the clerk. Nothing in this subsection shall be deemed to require the clerk to
472 alter any document submitted for filing. The clerk may refuse to accept for filing any document that
473 includes personal identifiable information and return it for modification or explanation. The Commission,
474 its members, the clerk of the Commission, and any member of the clerk's staff are immune from
475 liability in any proceeding arising from any acts or omissions in the implementation of this subsection.
476 This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that
477 exists under statutory or common law.

478 C. 1. The Commission shall make available for public inspection records related to the administrative
479 activities of the Commission.

480 2. Disclosure of such records shall not be required, however, if (i) such records are otherwise
481 covered by applicable legal privileges, (ii) disclosure of such records could threaten the safety or
482 security of the Commission's employees, physical plant, or information technology assets or data, or (iii)
483 such records are not publicly available from other public entities under the laws of the Commonwealth,
484 including §§ 2.2-3705.1 and 2.2-4342.

485 3. Records held by the clerk of the Commission related to business entities shall be made public or
486 held confidential in accordance with laws and regulations applicable specifically to such records.

487 4. The Commission shall respond within five business days of receiving requests for administrative
488 records. If it is impracticable to provide the records requested within such time period, the Commission
489 shall notify the requester that an additional seven business days will be required, unless due to the scope

490 of the records requested or length of search necessary to locate them the Commission requires additional
 491 time, which shall not be unreasonable in length. When any such requested records are not provided, the
 492 Commission shall notify the requester of the basis of the denial.

493 5. As used in this subsection, "administrative activities" means matters related to the Commission's
 494 operational responsibilities and operational functions, including its revenues, expenditures, financial
 495 management and budgetary practices, personnel policies and practices, and procurement policies and
 496 practices. "Administrative activities" shall not include the Commission's formal or informal regulatory or
 497 legal proceedings or activities, records related to which shall be governed, inter alia, by laws and
 498 regulations applicable specifically to such regulatory and legal proceedings or activities, or in accordance
 499 with applicable legal privileges.

500 D. Notwithstanding any other provision of law, the clerk may review the circumstances surrounding
 501 the execution or delivery of any document associated with any business entity of record in the office of
 502 the clerk that was submitted for filing under a business entity statute administered by the Commission
 503 pursuant to Title 13.1 or Title 50. If the clerk determines that the person who executed or delivered the
 504 document was without authority to act on behalf of the business entity, the clerk is authorized (i) to
 505 refuse to accept the document for filing or (ii) if the document has been filed, to summarily remove the
 506 document and any documents and data related to the filing from the records in the office of the clerk,
 507 correct such records, and provide notice to any business entity affected by the filing. The Commission,
 508 its members, the clerk of the Commission, and any member of the clerk's staff are immune from
 509 liability in any proceeding arising from any acts or omissions in the implementation of this subsection.
 510 This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that
 511 exists under statutory or common law.

512 **§ 16.1-69.40:1. Traffic infractions within authority of traffic violations clerk; schedule of fines;
 513 prepayment of local ordinances.**

514 A. The Supreme Court shall by rule, which may from time to time be amended, supplemented or
 515 repealed, but which shall be uniform in its application throughout the Commonwealth, designate the
 516 traffic infractions for which a pretrial waiver of appearance, plea of guilty and fine payment may be
 517 accepted. Such designated infractions shall include violations of §§ 46.2-830.1, 46.2-878.2 and
 518 46.2-1242 or any parallel local ordinances. Notwithstanding any rule of the Supreme Court, a person
 519 charged with a traffic offense that is listed as prepayable in the Uniform Fine Schedule may prepay his
 520 fines and costs without court appearance whether or not he was involved in an accident. The prepayable
 521 fine amount for a violation of § 46.2-878.2 shall be \$200 plus an amount per mile-per-hour in excess of
 522 posted speed limits, as authorized in § 46.2-878.3.

523 Such infractions shall not include:

- 524 1. Indictable offenses;
- 525 2. [Repealed.]
- 526 3. Operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or
 527 habit-producing drug, or permitting another person, who is under the influence of intoxicating liquor or
 528 a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his custody
 529 or control;
- 530 4. Reckless driving;
- 531 5. Leaving the scene of an accident;
- 532 6. Driving while under suspension or revocation of ~~driver's license~~ *driving privileges*;
- 533 7. Driving without being licensed to drive.
- 534 8. [Repealed.]

535 B. An appearance may be made in person or in writing by mail to a clerk of court or in person
 536 before a magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a
 537 waiver of trial and a plea of guilty and pay the fine and any civil penalties established for the offense
 538 charged, with costs. He shall, prior to the plea, waiver, and payment, be informed of his right to stand
 539 trial, that his signature to a plea of guilty will have the same force and effect as a judgment of court,
 540 and that the record of conviction will be sent to the Commissioner of the Department of Motor Vehicles
 541 or the appropriate offices of the State where he received his license to drive.

542 C. The Supreme Court, upon the recommendation of the Committee on District Courts, shall
 543 establish a schedule, within the limits prescribed by law, of the amounts of fines and any civil penalties
 544 to be imposed, designating each infraction specifically. The schedule, which may from time to time be
 545 amended, supplemented or repealed, shall be uniform in its application throughout the Commonwealth.
 546 Such schedule shall not be construed or interpreted so as to limit the discretion of any trial judge trying
 547 individual cases at the time fixed for trial. The rule of the Supreme Court establishing the schedule shall
 548 be prominently posted in the place where the fines are paid. Fines and costs shall be paid in accordance
 549 with the provisions of this Code or any rules or regulations promulgated thereunder.

550 D. Fines imposed under local traffic infraction ordinances that do not parallel provisions of state law

551 and fulfill the criteria set out in subsection A may be prepayable in the manner set forth in subsection B
 552 if such ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of
 553 each circuit may establish a schedule of the fines, within the limits prescribed by local ordinances, to be
 554 imposed for prepayment of local ordinances designating each offense specifically. Upon the entry of
 555 such order it shall be forwarded within 10 days to the Supreme Court of Virginia by the clerk of the
 556 local circuit court. The schedule, which from time to time may be amended, supplemented or repealed,
 557 shall be uniform in its application throughout the circuit. Such schedule shall not be construed or
 558 interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for
 559 trial. This schedule shall be prominently posted in the place where fines are paid. Fines and costs shall
 560 be paid in accordance with the provisions of this Code or any rules or regulations promulgated
 561 thereunder.

562 **§ 16.1-228. Definitions.**

563 When used in this chapter, unless the context otherwise requires:

564 "Abused or neglected child" means any child:

565 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or
 566 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than
 567 accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental
 568 functions, including, but not limited to, a child who is with his parent or other person responsible for his
 569 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled
 570 substance, or (ii) during the unlawful sale of such substance by that child's parents or other person
 571 responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would
 572 constitute a felony violation of § 18.2-248;

573 2. Whose parents or other person responsible for his care neglects or refuses to provide care
 574 necessary for his health; however, no child who in good faith is under treatment solely by spiritual
 575 means through prayer in accordance with the tenets and practices of a recognized church or religious
 576 denomination shall for that reason alone be considered to be an abused or neglected child;

577 3. Whose parents or other person responsible for his care abandons such child;

578 4. Whose parents or other person responsible for his care commits or allows to be committed any
 579 sexual act upon a child in violation of the law;

580 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or
 581 physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco
 582 parentis;

583 6. Whose parents or other person responsible for his care creates a substantial risk of physical or
 584 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as
 585 defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the
 586 parent or other person responsible for his care knows has been convicted of an offense against a minor
 587 for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

588 7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in
 589 the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims
 590 of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

591 If a civil proceeding under this chapter is based solely on the parent having left the child at a
 592 hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely
 593 delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency
 594 medical services agency that employs emergency medical services personnel, within 14 days of the
 595 child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for
 596 adoption, the court may find such a child is a neglected child upon the ground of abandonment.

597 "Adoptive home" means the place of residence of any natural person in which a child resides as a
 598 member of the household and in which he has been placed for the purposes of adoption or in which he
 599 has been legally adopted by another member of the household.

600 "Adult" means a person 18 years of age or older.

601 "Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part
 602 of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a
 603 delinquent act which would be a felony if committed by an adult.

604 "Boot camp" means a short term secure or nonsecure juvenile residential facility with highly
 605 structured components including, but not limited to, military style drill and ceremony, physical labor,
 606 education and rigid discipline, and no less than six months of intensive aftercare.

607 "Child," "juvenile," or "minor" means a person less than 18 years of age.

608 "Child in need of services" means (i) a child whose behavior, conduct or condition presents or results
 609 in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14
 610 whose behavior, conduct or condition presents or results in a serious threat to the well-being and
 611 physical safety of another person; however, no child who in good faith is under treatment solely by
 612 spiritual means through prayer in accordance with the tenets and practices of a recognized church or

613 religious denomination shall for that reason alone be considered to be a child in need of services, nor
 614 shall any child who habitually remains away from or habitually deserts or abandons his family as a
 615 result of what the court or the local child protective services unit determines to be incidents of physical,
 616 emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

617 However, to find that a child falls within these provisions, (i) the conduct complained of must
 618 present a clear and substantial danger to the child's life or health or to the life or health of another
 619 person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being
 620 received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or
 621 services needed by the child or his family.

622 "Child in need of supervision" means:

623 1. A child who, while subject to compulsory school attendance, is habitually and without justification
 624 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of
 625 any and all educational services and programs that are required to be provided by law and which meet
 626 the child's particular educational needs, (ii) the school system from which the child is absent or other
 627 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,
 628 and (iii) the school system has provided documentation that it has complied with the provisions of
 629 § 22.1-258; or

630 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or
 631 placement authority, remains away from or deserts or abandons his family or lawful custodian on more
 632 than one occasion or escapes or remains away without proper authority from a residential care facility in
 633 which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to
 634 the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not
 635 presently being received, and (iii) the intervention of the court is essential to provide the treatment,
 636 rehabilitation or services needed by the child or his family.

637 "Child welfare agency" means a child-placing agency, child-caring institution or independent foster
 638 home as defined in § 63.2-100.

639 "The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile
 640 and domestic relations district court of each county or city.

641 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an
 642 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of
 643 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an
 644 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if
 645 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to
 646 take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

647 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed
 648 a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been
 649 terminated under the provisions of § 16.1-269.6.

650 "Department" means the Department of Juvenile Justice and "Director" means the administrative head
 651 in charge thereof or such of his assistants and subordinates as are designated by him to discharge the
 652 duties imposed upon him under this law.

653 "*Driver's license*" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or
 654 the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the
 655 highways.

656 "Family abuse" means any act involving violence, force, or threat that results in bodily injury or
 657 places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by
 658 a person against such person's family or household member. Such act includes, but is not limited to, any
 659 forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of
 660 Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable
 661 apprehension of death, sexual assault, or bodily injury.

662 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the
 663 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same
 664 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,
 665 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in
 666 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,
 667 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)
 668 any individual who has a child in common with the person, whether or not the person and that
 669 individual have been married or have resided together at any time, or (vi) any individual who cohabits
 670 or who, within the previous 12 months, cohabited with the person, and any children of either of them
 671 then residing in the same home with the person.

672 "Foster care services" means the provision of a full range of casework, treatment and community
 673 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or

674 in need of services as defined in this section and his family when the child (i) has been identified as
 675 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through
 676 an agreement between the local board of social services or a public agency designated by the
 677 community policy and management team and the parents or guardians where legal custody remains with
 678 the parents or guardians, (iii) has been committed or entrusted to a local board of social services or
 679 child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board
 680 pursuant to § 16.1-293.

681 "Independent living arrangement" means placement of a child at least 16 years of age who is in the
 682 custody of a local board or licensed child-placing agency and has been placed by the local board or
 683 licensed child-placing agency in a living arrangement in which he does not have daily substitute parental
 684 supervision.

685 "Independent living services" means services and activities provided to a child in foster care 14 years
 686 of age or older and who has been committed or entrusted to a local board of social services, child
 687 welfare agency, or private child-placing agency. "Independent living services" may also mean services
 688 and activities provided to a person who was in foster care on his 18th birthday and has not yet reached
 689 the age of 21 years. Such services shall include counseling, education, housing, employment, and money
 690 management skills development and access to essential documents and other appropriate services to help
 691 children or persons prepare for self-sufficiency.

692 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this
 693 chapter.

694 "Jail" or "other facility designed for the detention of adults" means a local or regional correctional
 695 facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding
 696 cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the
 697 transfer of a child to a juvenile facility.

698 "The judge" means the judge or the substitute judge of the juvenile and domestic relations district
 699 court of each county or city.

700 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in
 701 this chapter.

702 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to
 703 have physical custody of the child, to determine and redetermine where and with whom he shall live,
 704 the right and duty to protect, train and discipline him and to provide him with food, shelter, education
 705 and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal
 706 status created by court order of joint custody as defined in § 20-107.2.

707 "Permanent foster care placement" means the place of residence in which a child resides and in
 708 which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation
 709 and agreement between the placing agency and the place of permanent foster care that the child shall
 710 remain in the placement until he reaches the age of majority unless modified by court order or unless
 711 removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of
 712 residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term
 713 basis.

714 "Residual parental rights and responsibilities" means all rights and responsibilities remaining with the
 715 parent after the transfer of legal custody or guardianship of the person, including but not limited to the
 716 right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility
 717 for support.

718 "Secure facility" or "detention home" means a local, regional or state public or private locked
 719 residential facility that has construction fixtures designed to prevent escape and to restrict the movement
 720 and activities of children held in lawful custody.

721 "Shelter care" means the temporary care of children in physically unrestricting facilities.

722 "State Board" means the State Board of Juvenile Justice.

723 "Status offender" means a child who commits an act prohibited by law which would not be criminal
 724 if committed by an adult.

725 "Status offense" means an act prohibited by law which would not be an offense if committed by an
 726 adult.

727 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of
 728 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

729 **§ 17.1-293. Posting and availability of certain information on the Internet; prohibitions.**

730 A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B, it shall be unlawful
 731 for any court clerk to disclose the social security number or other identification numbers appearing on
 732 driver's licenses or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the
 733 comparable law of another jurisdiction, or information on credit cards, debit cards, bank accounts, or
 734 other electronic billing and payment systems that was supplied to a court clerk for the purpose of paying
 735 fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall not apply where

736 disclosure of such information is required (i) to conduct or complete the transaction for which such
737 information was submitted or (ii) by other law or court order.

738 B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains
739 the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth
740 identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with
741 a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor
742 child.

743 C. Each such clerk shall post notice that includes a list of the documents routinely posted on its
744 website. However, the clerk shall not post information on his website that includes private activity for
745 private financial gain.

746 D. Nothing in this section shall be construed to prohibit access to any original document as provided
747 by law.

748 E. This section shall not apply to the following:

749 1. Providing access to any document among the land records via secure remote access pursuant to
750 § 17.1-294;

751 2. Postings related to legitimate law-enforcement purposes;

752 3. Postings of historical, genealogical, interpretive, or educational documents and information about
753 historic persons and events;

754 4. Postings of instruments and records filed or recorded that are more than 100 years old;

755 5. Providing secure remote access to any person, his counsel, or staff which counsel directly
756 supervises to documents filed in matters to which such person is a party;

757 6. Providing official certificates and certified records in digital form of any document maintained by
758 the clerk pursuant to § 17.1-258.3:2; and

759 7. Providing secure remote access to nonconfidential court records, subject to any fees charged by
760 the clerk, to members in good standing with the Virginia State Bar and their authorized agents, pro hac
761 vice attorneys authorized by the court for purposes of the practice of law, and such governmental
762 agencies as authorized by the clerk.

763 F. Nothing in this section shall prohibit the Supreme Court or any other court clerk from providing
764 online access to a case management system that may include abstracts of case filings and proceedings in
765 the courts of the Commonwealth, including online access to subscribers of nonconfidential criminal case
766 information to confirm the complete date of birth of a defendant.

767 G. The court clerk shall be immune from suit arising from any acts or omissions relating to
768 providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or
769 engaged in willful misconduct.

770 This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity
771 already existing in statutory or common law, or to affect any cause of action accruing prior to July 1,
772 2005.

773 H. Nothing in this section shall be construed to permit any data accessed by secure remote access to
774 be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in
775 his discretion, may deny secure remote access to ensure compliance with these provisions. However, the
776 data accessed by secure remote access may be included in products or services provided to a third party
777 of the subscriber provided that (i) such data is not made available to the general public and (ii) the
778 subscriber maintains administrative, technical, and security safeguards to protect the confidentiality,
779 integrity, and limited availability of the data.

780 **§ 18.2-6. Meaning of certain terms.**

781 As used in this title:

782 The word "court," unless otherwise clearly indicated by the context in which it appears, shall mean
783 and include any court vested with appropriate jurisdiction under the Constitution and laws of ~~this~~ *the*
784 Commonwealth.

785 *The words "driver's license" and "license to operate a motor vehicle" shall mean any document*
786 *issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction,*
787 *authorizing the operation of a motor vehicle upon the highways.*

788 The word "judge," unless otherwise clearly indicated by the context in which it appears, shall mean
789 and include any judge, associate judge or substitute judge, or police justice, of any court.

790 The words "motor vehicle," "semitrailer," "trailer" and "vehicle" shall have the respective meanings
791 assigned to them by § 46.2-100.

792 **§ 18.2-268.1. Chemical testing to determine alcohol or drug content of blood; definitions.**

793 As used in §§ 18.2-268.2 through 18.2-268.12, unless the context clearly indicates otherwise:

794 The phrase "alcohol or drug" means alcohol, a drug or drugs, or any combination of alcohol and a
795 drug or drugs.

796 The phrase "blood or breath" means either or both.

797 "Chief police officer" means the sheriff in any county not having a chief of police, the chief of
 798 police of any county having a chief of police, the chief of police of the city, or the sergeant or chief of
 799 police of the town in which the charge will be heard, or their authorized representatives.

800 "Department" means the Department of Forensic Science.

801 "Director" means the Director of the Department of Forensic Science.

802 "License" means any driver's license, ~~temporary driver's license, or instruction permit authorizing the~~
 803 ~~operation of a motor vehicle upon the highways as defined in § 18.2-6.~~

804 "Ordinance" means a county, city or town ordinance.

805 **§ 19.2-258.1. Trial of traffic infractions; measure of proof; failure to appear.**

806 For any traffic infraction cases tried in a district court, the court shall hear and determine the case
 807 without the intervention of a jury. For any traffic infraction case appealed to a circuit court, the
 808 defendant shall have the right to trial by jury. The defendant shall be presumed innocent until proven
 809 guilty beyond a reasonable doubt.

810 When a person charged with a traffic infraction fails to enter a written or court appearance, he shall
 811 be deemed to have waived court hearing and the case may be heard in his absence, after which he shall
 812 be notified of the court's finding. He shall be advised that if he fails to comply with any order of the
 813 court therein, the court may order suspension of his ~~driver's license~~ *driving privileges* as provided in
 814 § 46.2-395 but the court shall not issue a warrant for his failure to appear pursuant to § 46.2-938.

815 **§ 20-60.3. Contents of support orders.**

816 All orders directing the payment of spousal support where there are minor children whom the parties
 817 have a mutual duty to support and all orders directing the payment of child support, including those
 818 orders confirming separation agreements, entered on or after October 1, 1985, whether they are original
 819 orders or modifications of existing orders, shall contain the following:

820 1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or
 821 § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to
 822 file an application for services with the Department of Social Services; however, absence of such notice
 823 in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to
 824 § 20-79.1;

825 2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of
 826 Title 63.2 without further amendments to the order upon application for services with the Department of
 827 Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar
 828 withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

829 3. The name, date of birth, and last four digits of the social security number of each child to whom a
 830 duty of support is then owed by the parent;

831 4. If known, the name, date of birth, and last four digits of the social security number of each parent
 832 of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address,
 833 residential and employer telephone number, ~~driver's license~~ *and number appearing on a driver's license*
 834 *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of*
 835 *another jurisdiction*, and the name and address of his or her employer; however, when a protective order
 836 has been issued or the court otherwise finds reason to believe that a party is at risk of physical or
 837 emotional harm from the other party, information other than the name of the party at risk shall not be
 838 included in the order;

839 5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of
 840 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the
 841 party seeking or receiving child support until such child reaches the age of 19 or graduates from high
 842 school, whichever occurs first, and that the court may also order that support be paid or continue to be
 843 paid for any child over the age of 18 who is (a) severely and permanently mentally or physically
 844 disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the
 845 child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support
 846 himself; and (c) residing in the home of the parent seeking or receiving child support;

847 6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license,
 848 certificate, registration or other authorization to engage in a profession, trade, business, occupation, or
 849 recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a
 850 delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall
 851 indicate whether either or both parents currently hold such an authorization and, if so, the type of
 852 authorization held;

853 7. The monthly amount of support and the effective date of the order. In proceedings on initial
 854 petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the
 855 effective date may be the date of notice to the responding party. The first monthly payment shall be due
 856 on the first day of the month following the hearing date and on the first day of each month thereafter.
 857 In addition, an amount shall be assessed for any full and partial months between the effective date of
 858 the order and the date that the first monthly payment is due. The assessment for the initial partial month

859 shall be prorated from the effective date through the end of that month, based on the current monthly
860 obligation;

861 8. a. An order for health care coverage, including the health insurance policy information, for
862 dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in
863 § 63.2-1900, or a written statement that health care coverage is not available at a reasonable cost as
864 defined in such section, and a statement as to whether there is an order for health care coverage for a
865 spouse or former spouse; and

866 b. A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or
867 reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered,
868 then the provisions governing how such payment is to be made;

869 9. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii)
870 the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be
871 credited to current support obligations first, with any payment in excess of the current obligation applied
872 to arrearages;

873 10. If child support payments are ordered to be paid through the Department of Social Services or
874 directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall
875 give each other and the court and, when payments are to be made through the Department, the
876 Department of Social Services at least 30 days' written notice, in advance, of any change of address and
877 any change of telephone number within 30 days after the change;

878 11. If child support payments are ordered to be paid through the Department of Social Services, a
879 provision requiring an obligor to keep the Department of Social Services informed of the name, address
880 and telephone number of his current employer, or if payments are ordered to be paid directly to the
881 obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone
882 number of his current employer;

883 12. If child support payments are ordered to be paid through the Department of Social Services, a
884 provision requiring the party obligated to provide health care coverage to keep the Department of Social
885 Services informed of any changes in the availability of the health care coverage for the minor child or
886 children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party
887 obligated to provide health care coverage to keep the other party informed of any changes in the
888 availability of the health care coverage for the minor child or children;

889 13. The separate amounts due to each person under the order, unless the court specifically orders a
890 unitary award of child and spousal support due or the order affirms a separation agreement containing
891 provision for such unitary award;

892 14. Notice that in determination of a support obligation, the support obligation as it becomes due and
893 unpaid creates a judgment by operation of law. The order shall also provide, pursuant to § 20-78.2, for
894 interest on the arrearage at the judgment rate as established by § 6.2-302 unless the obligee, in a writing
895 submitted to the court, waives the collection of interest;

896 15. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to
897 Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921,
898 initiate a review of the amount of support ordered by any court;

899 16. A statement that if any arrearages for child support, including interest or fees, exist at the time
900 the youngest child included in the order emancipates, payments shall continue in the total amount due
901 (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages
902 are paid; and

903 17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor
904 Vehicles may suspend or refuse to renew the driver's license, *or other document issued under Chapter 3*
905 *(§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways*, of any
906 person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in
907 the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply
908 with a subpoena, summons, or warrant relating to paternity or child support proceedings.

909 The provisions of this section shall not apply to divorce decrees where there are no minor children
910 whom the parties have a mutual duty to support.

911 **§ 20-107.1. Court may decree as to maintenance and support of spouses.**

912 A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a
913 decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of
914 matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate
915 maintenance, the court may make such further decree as it shall deem expedient concerning the
916 maintenance and support of the spouses, notwithstanding a party's failure to prove his grounds for
917 divorce, provided that a claim for support has been properly pled by the party seeking support.
918 However, the court shall have no authority to decree maintenance and support payable by the estate of a
919 deceased spouse.

920 B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent
921 maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground
922 of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an
923 award notwithstanding the existence of such ground if the court determines from clear and convincing
924 evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the
925 respective degrees of fault during the marriage and the relative economic circumstances of the parties.

926 C. The court, in its discretion, may decree that maintenance and support of a spouse be made in
927 periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a
928 lump sum award, or in any combination thereof.

929 D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of
930 a party to receive support in the future. In any case in which the right to support is so reserved, there
931 shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of
932 the length of time between the date of the marriage and the date of separation. Once granted, the
933 duration of such a reservation shall not be subject to modification.

934 E. The court, in determining whether to award support and maintenance for a spouse, shall consider
935 the circumstances and factors which contributed to the dissolution of the marriage, specifically including
936 adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or
937 § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court
938 shall consider the following:

939 1. The obligations, needs and financial resources of the parties, including but not limited to income
940 from all pension, profit sharing or retirement plans, of whatever nature;

941 2. The standard of living established during the marriage;

942 3. The duration of the marriage;

943 4. The age and physical and mental condition of the parties and any special circumstances of the
944 family;

945 5. The extent to which the age, physical or mental condition or special circumstances of any child of
946 the parties would make it appropriate that a party not seek employment outside of the home;

947 6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;

948 7. The property interests of the parties, both real and personal, tangible and intangible;

949 8. The provisions made with regard to the marital property under § 20-107.3;

950 9. The earning capacity, including the skills, education and training of the parties and the present
951 employment opportunities for persons possessing such earning capacity;

952 10. The opportunity for, ability of, and the time and costs involved for a party to acquire the
953 appropriate education, training and employment to obtain the skills needed to enhance his or her earning
954 ability;

955 11. The decisions regarding employment, career, economics, education and parenting arrangements
956 made by the parties during the marriage and their effect on present and future earning potential,
957 including the length of time one or both of the parties have been absent from the job market;

958 12. The extent to which either party has contributed to the attainment of education, training, career
959 position or profession of the other party; and

960 13. Such other factors, including the tax consequences to each party and the circumstances and
961 factors that contributed to the dissolution, specifically including any ground for divorce, as are necessary
962 to consider the equities between the parties.

963 F. In contested cases in the circuit courts, any order granting, reserving or denying a request for
964 spousal support shall be accompanied by written findings and conclusions of the court identifying the
965 factors in subsection E which support the court's order. If the court awards periodic support for a
966 defined duration, such findings shall identify the basis for the nature, amount and duration of the award
967 and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court
968 which support the award.

969 G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which
970 the parties are physically separated and at least one party intends such separation to be permanent
971 provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a
972 specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event
973 or condition other than death or termination pursuant to § 20-110.

974 H. Where there are no minor children whom the parties have a mutual duty to support, an order
975 directing the payment of spousal support, including those orders confirming separation agreements,
976 entered on or after October 1, 1985, whether they are original orders or modifications of existing orders,
977 shall contain the following:

978 1. If known, the name, date of birth, and social security number of each party and, unless otherwise
979 ordered, each party's residential and, if different, mailing address, residential and employer telephone
980 number, ~~driver's license~~ and number appearing on a driver's license or other document issued under
981 Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, and the

982 name and address of his employer; however, when a protective order has been issued or the court
 983 otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other
 984 party, information other than the name of the party at risk shall not be included in the order;

985 2. The amount of periodic spousal support expressed in fixed sums, together with the payment
 986 interval, the date payments are due, and the date the first payment is due;

987 3. A statement as to whether there is an order for health care coverage for a party;

988 4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii)
 989 the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be
 990 credited to current spousal support obligations first, with any payment in excess of the current obligation
 991 applied to arrearages;

992 5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for
 993 good cause shown orders otherwise, the parties shall give each other and the court at least 30 days'
 994 written notice, in advance, of any change of address and any change of telephone number within 30
 995 days after the change; and

996 6. Notice that in determination of a spousal support obligation, the support obligation as it becomes
 997 due and unpaid creates a judgment by operation of law.

998 **§ 22.1-205. Driver education programs.**

999 A. The Board of Education shall establish for the public school system a standardized program of
 1000 driver education in the safe operation of motor vehicles. Such program shall consist of classroom
 1001 training and behind-the-wheel driver training. However, any student who participates in such a program
 1002 of driver education shall meet the academic requirements established by the Board, and no student in a
 1003 course shall be permitted to operate a motor vehicle without a license or ~~permit to do so~~ *other document*
 1004 issued by the Department of Motor Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the*
 1005 *comparable law of another jurisdiction authorizing the operation of a motor vehicle upon the highways.*
 1006 The program shall include (i) instruction concerning (a) alcohol and drug abuse; (b) aggressive driving;
 1007 (c) distracted driving; (d) motorcycle awareness; (e) organ and tissue donor awareness; (f) fuel-efficient
 1008 driving practices; and (g) traffic stops, including law-enforcement procedures for traffic stops,
 1009 appropriate actions to be taken by drivers during traffic stops, and appropriate interactions with
 1010 law-enforcement officers who initiate traffic stops, and (ii) in Planning District 8, for any student
 1011 completing a driver education program beginning in academic year 2010-2011, an additional minimum
 1012 90-minute parent/student driver education component as part of the in-classroom portion of the driver
 1013 education curriculum, requiring the participation of the student's parent or guardian and emphasizing
 1014 parental responsibilities regarding juvenile driver behavior, juvenile driving restrictions pursuant to the
 1015 Code of Virginia, and the dangers of driving while intoxicated and underage consumption of alcohol.
 1016 Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety
 1017 Action Program, the Department of Health, and the Department of Behavioral Health and Developmental
 1018 Services, as appropriate. Such program shall require a minimum number of miles driven during the
 1019 behind-the-wheel driver training.

1020 B. The Board shall assist school divisions by preparation, publication and distribution of competent
 1021 driver education instructional materials to ensure a more complete understanding of the responsibilities
 1022 and duties of motor vehicle operators.

1023 C. Each school board shall determine whether to offer the program of driver education in the safe
 1024 operation of motor vehicles and, if offered, whether such program shall be an elective or a required
 1025 course. In addition to the fee approved by the Board of Education pursuant to the appropriation act that
 1026 allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of
 1027 Education may authorize a local school board's request to assess a surcharge in order to further recover
 1028 program costs that exceed state funds distributed through basic aid to school divisions offering driver
 1029 education programs. Each school board may waive the fee or the surcharge in total or in part for those
 1030 students it determines cannot pay the fee or surcharge. Only school divisions complying with the
 1031 standardized program and regulations established by the Board of Education and the provisions of
 1032 § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver
 1033 education.

1034 School boards in Planning District 8 shall make the 90-minute parent/student driver education
 1035 component available to all students and their parents or guardians who are in compliance with
 1036 § 22.1-254.

1037 D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be
 1038 required by regulation of the Board of Education, on private or public property removed from public
 1039 highways if practicable; if impracticable, then, at the request of the school board, the Commissioner of
 1040 Highways shall designate a suitable section of road near the school to be used for such instruction. Such
 1041 section of road shall be marked with signs, which the Commissioner of Highways shall supply, giving
 1042 notice of its use for driving instruction. Such signs shall be removed at the close of the instruction

1043 period. No vehicle other than those used for driver training shall be operated between such signs at a
 1044 speed in excess of 25 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

1045 E. The Board of Education may, in its discretion, promulgate regulations for the use and certification
 1046 of paraprofessionals as teaching assistants in the driver education programs of school divisions.

1047 F. The Board of Education shall approve correspondence courses for the classroom training
 1048 component of driver education. These correspondence courses shall be consistent in quality with
 1049 instructional programs developed by the Board for classroom training in the public schools. Students
 1050 completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel
 1051 driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of
 1052 the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii)
 1053 from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a
 1054 home schooling parent or guardian instructing his own child who meets the requirements for home
 1055 school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training
 1056 course approved by the Board. Nothing herein shall be construed to require any school division to
 1057 provide behind-the-wheel driver training to nonpublic school students.

1058 **§ 24.2-410.1. Citizenship status; Department of Motor Vehicles to furnish lists of noncitizens.**

1059 A. The Department of Motor Vehicles shall include on the application for a driver's license;
 1060 commercial driver's license; temporary driver's permit; learner's permit; motorcycle learner's permit;
 1061 special identification card or other document, or renewal thereof, issued pursuant to the provisions of
 1062 Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, as a predicate to offering a voter registration application
 1063 pursuant to § 24.2-411.1, a statement asking the applicant if he is a United States citizen. If the
 1064 applicant indicates a noncitizen status, the Department of Motor Vehicles shall not offer that applicant
 1065 the opportunity to apply for voter registration. If the applicant indicates that he is a United States citizen
 1066 and that he wishes to register to vote or change his voter registration address, the statement that he is a
 1067 United States citizen shall become part of the voter registration application offered to the applicant.
 1068 Information on citizenship status shall not be a determinative factor for the issuance of any document
 1069 pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

1070 B. Additionally, the Department of Motor Vehicles shall furnish monthly to the Department of
 1071 Elections a complete list of all persons who have indicated a noncitizen status to the Department of
 1072 Motor Vehicles in obtaining a driver's license; commercial driver's license; temporary driver's permit;
 1073 learner's permit; motorcycle learner's permit; special identification card or other document, or renewal
 1074 thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The
 1075 Department of Elections shall transmit the information from the list to the appropriate general registrars.
 1076 Information in the lists shall be confidential and available only for official use by the Department of
 1077 Elections and general registrars.

1078 C. For the purposes of this section, the Department of Motor Vehicles is not responsible for
 1079 verifying the claim of any applicant who indicates United States citizen status when applying for a
 1080 driver's license, commercial driver's license; temporary driver's permit; learner's permit; motorcycle
 1081 learner's permit; special identification card or other document, or renewal thereof, issued pursuant to the
 1082 provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

1083 **§ 24.2-411.1. Offices of the Department of Motor Vehicles.**

1084 A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person
 1085 who comes to an office of the Department of Motor Vehicles to:

1086 1. Apply for, replace, or renew a driver's license or other document issued under Chapter 3 (§
 1087 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.2;
 1088 or

1089 2. Apply for, replace, or renew a special identification card; or

1090 3. Change an address on an existing driver's license or special identification card other document
 1091 issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued
 1092 pursuant to § 46.2-328.2.

1093 B. The method used to receive an application for voter registration shall avoid duplication of the
 1094 license portion of the license application and require only the minimum additional information necessary
 1095 to enable registrars to determine the voter eligibility of the applicant and to administer voter registration
 1096 and election laws. A person who does not sign the registration portion of the application shall be
 1097 deemed to have declined to register at that time. The voter application shall include a statement that, if
 1098 an applicant declines to register to vote, the fact the applicant has declined to register will remain
 1099 confidential and will be used only for voter registration purposes.

1100 Each application form distributed under this section shall be accompanied by the following statement
 1101 featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A
 1102 MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION
 1103 FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY
 1104 BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR

1105 FINED UP TO \$2,500."

1106 Any completed application for voter registration submitted by a person who is already registered
 1107 shall serve as a written request to update his registration record. Any change of address form submitted
 1108 for purposes of a motor vehicle driver's license or ~~special identification card~~ *other document issued*
 1109 *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2* shall serve as notification of change of address for
 1110 voter registration for the registrant involved unless the registrant states on the form that the change of
 1111 address is not for voter registration purposes. If the information from the notification of change of
 1112 address for voter registration indicates that the registered voter has moved to another general registrar's
 1113 jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the
 1114 registered voter. The notification and the registered voter's registration record shall be transmitted as
 1115 directed by the Department of Elections to the appropriate general registrar who shall send confirmation
 1116 documents of the transfer to the voter pursuant to § 24.2-424. The Department of Motor Vehicles and
 1117 Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the
 1118 notification to the appropriate general registrar.

1119 C. The completed voter registration portion of the application shall be transmitted as directed by the
 1120 Department of Elections not later than five business days after the date of receipt. The Department of
 1121 Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or
 1122 other means of the voter registration portion of the application to the appropriate general registrar.

1123 D. The Department of Elections shall maintain statistical records on the number of applications to
 1124 register to vote with information provided from the Department of Motor Vehicles.

1125 E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as
 1126 authorized by law for official use, the social security number, or any part thereof, of any applicant for
 1127 voter registration.

1128 F. The Department of Motor Vehicles shall provide assistance as required in providing voter photo
 1129 identification cards as provided in subdivision A 3 of § 24.2-404.

1130 **§ 24.2-416.7. Application for voter registration by electronic means.**

1131 A. Notwithstanding any other provision of law, a person who is qualified to register to vote may
 1132 apply to register to vote by electronic means as authorized by the State Board by completing an
 1133 electronic registration application.

1134 B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of
 1135 §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence
 1136 within the Commonwealth by electronic means as authorized by the State Board by completing an
 1137 electronic registration application.

1138 C. An electronic registration application completed pursuant to this article shall require that an
 1139 applicant:

1140 1. Provide the information as required under § 24.2-418;

1141 2. Have a Virginia driver's license or ~~special identification card~~ *other document* issued by the
 1142 Department of Motor Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2;*

1143 3. Provide a social security number and Department of Motor Vehicles customer identifier number
 1144 that matches the applicant's record in the Department of Motor Vehicles records;

1145 4. Attest to the truth of the information provided;

1146 5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act
 1147 (§ 59.1-479 et seq.); and

1148 6. Affirmatively authorize the Department of Elections and general registrar to use the applicant's
 1149 signature obtained by the Department of Motor Vehicles for voter registration purposes.

1150 D. In order for an individual to complete a transaction under this article, the general registrar shall
 1151 verify that the Department of Motor Vehicles customer identifier number, date of birth, and social
 1152 security number provided by the applicant match the information contained in the Department of Motor
 1153 Vehicles records.

1154 E. The Department of Motor Vehicles shall provide to the Department of Elections a digital copy of
 1155 the applicant's signature on record with the Department of Motor Vehicles.

1156 F. The Department of Elections shall transmit to the general registrar an applicant's completed voter
 1157 registration application and digital signature not later than five business days after the date of receipt.

1158 G. Each transaction taking place under this section shall be accompanied by the following statement
 1159 featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A
 1160 MATERIALLY FALSE STATEMENT DURING THIS TRANSACTION CONSTITUTES THE CRIME
 1161 OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY.
 1162 VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS
 1163 IN JAIL AND/OR FINED UP TO \$2,500."

1164 H. The Department of Elections may use additional security measures approved by the State Board to
 1165 ensure the accuracy and integrity of registration transactions performed under this article.

1166 § 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

1167 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers
1168 of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the
1169 voting booth and furnishing an official ballot to him.

1170 B. An officer of election shall ask the voter for his full name and current residence address and the
1171 voter may give such information orally or in writing. The officer of election shall repeat, in a voice
1172 audible to party and candidate representatives present, the full name and address provided by the voter.
1173 The officer shall ask the voter to present any one of the following forms of identification: his valid
1174 Virginia driver's license, his valid United States passport, or any other photo identification issued by the
1175 Commonwealth, one of its political subdivisions, or the United States; *other than a driver privilege card*
1176 *issued under § 46.2-328.2*, any valid student identification card containing a photograph of the voter
1177 and issued by any institution of higher education located in the Commonwealth or any private school
1178 located in the Commonwealth; or any valid employee identification card containing a photograph of the
1179 voter and issued by an employer of the voter in the ordinary course of the employer's business.

1180 Any voter who does not show one of the forms of identification specified in this subsection shall be
1181 offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall
1182 provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or
1183 electoral board other than matching submitted identification documents from the voter for the electoral
1184 board to make a determination on whether to count the ballot.

1185 If the voter presents one of the forms of identification listed above, if his name is found on the
1186 pollbook in a form identical to or substantially similar to the name on the presented form of
1187 identification and the name provided by the voter, if he is qualified to vote in the election, and if no
1188 objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next
1189 consecutive number from the voter count form provided by the State Board, or shall enter that the voter
1190 has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot;
1191 and another officer shall admit him to the voting booth. Each voter whose name has been marked on the
1192 pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of
1193 election in the polling place until he has voted. If a line of voters who have been marked on the
1194 pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to
1195 extend outside of the room containing the voting booths and shall remain under observation by the
1196 officers of election.

1197 A voter may be accompanied into the voting booth by his child age 15 or younger.

1198 C. If the current residence address provided by the voter is different from the address shown on the
1199 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the
1200 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties
1201 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an
1202 envelope provided for such forms for transmission to the general registrar who shall then transfer or
1203 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

1204 D. At the time the voter is asked his full name and current residence address, the officer of election
1205 shall ask any voter for whom the pollbook indicates that an identification number other than a social
1206 security number is recorded on the Virginia voter registration system if he presently has a social security
1207 number. If the voter is able to provide his social security number, he shall be furnished with a voter
1208 registration form prescribed by the State Board to update his registration information. Upon its
1209 completion, the form shall be placed by the officer of election in an envelope provided for such forms
1210 for transmission to the general registrar. Any social security numbers so provided shall be entered by the
1211 general registrar in the voter's record on the voter registration system.

1212 § 32.1-291.2. Definitions.

1213 As used in this Act, unless the context requires otherwise:

1214 "Adult" means an individual who is at least 18 years of age.

1215 "Agent" means an individual:

1216 1. Authorized to make health-care decisions on the principal's behalf by a power of attorney for
1217 health care; or

1218 2. Expressly authorized to make an anatomical gift on the principal's behalf by any other record
1219 signed by the principal.

1220 "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's
1221 death for the purpose of transplantation, therapy, research, or education.

1222 "Decedent" means a deceased individual whose body or part is or may be the source of an
1223 anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other
1224 than this Act, a fetus.

1225 "Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild,
1226 grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an
1227 anatomical gift, or another adult who exhibited special care and concern for the individual. The term

- 1228 does not include a person to whom an anatomical gift could pass under § 32.1-291.11.
- 1229 "Document of gift" means a donor card or other record used to make an anatomical gift. The term
- 1230 includes a statement or symbol on a driver's license, identification card, or donor registry.
- 1231 "Donor" means an individual whose body or part is the subject of an anatomical gift.
- 1232 "Donor registry" means a database that contains records of anatomical gifts.
- 1233 "Driver's license" means a license or ~~permit~~ *other document* issued by the Virginia Department of
- 1234 Motor Vehicles to ~~operate~~ *operate under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation*
- 1235 *of a motor vehicle upon the highways, whether or not conditions are attached to the license or permit*
- 1236 *other document.*
- 1237 "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to
- 1238 engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions
- 1239 of human eyes and that is a member of the Virginia Transplant Council, accredited by the Eye Bank
- 1240 Association of America or the American Association of Tissue Banks and operating in the
- 1241 Commonwealth of Virginia.
- 1242 "Guardian" means a person appointed by a court to make decisions regarding the support, care,
- 1243 education, health, or welfare of an individual. The term does not include a guardian ad litem, except
- 1244 when the guardian ad litem is authorized by a court to consent to donation.
- 1245 "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as
- 1246 a hospital by the United States, a state, or a subdivision of a state.
- 1247 "Identification card" means an identification card issued by the Virginia Department of Motor
- 1248 Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.*
- 1249 "Know" means to have actual knowledge.
- 1250 "Minor" means an individual who is under 18 years of age.
- 1251 "Organ procurement organization" means a person designated by the Secretary of the United States
- 1252 Department of Health and Human Services as an organ procurement organization that is also a member
- 1253 of the Virginia Transplant Council.
- 1254 "Parent" means a parent whose parental rights have not been terminated.
- 1255 "Part" means an organ, an eye, or tissue of a human being. The term does not include the whole
- 1256 body.
- 1257 "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability
- 1258 company, association, joint venture, public corporation, government or governmental subdivision,
- 1259 agency, or instrumentality, or any other legal or commercial entity.
- 1260 "Physician" means an individual authorized to practice medicine or osteopathy under the law of any
- 1261 state.
- 1262 "Procurement organization" means an eye bank, organ procurement organization, or tissue bank that
- 1263 is a member of the Virginia Transplant Council.
- 1264 "Prospective donor" means an individual who is dead or whose death is imminent and has been
- 1265 determined by a procurement organization to have a part that could be medically suitable for
- 1266 transplantation, therapy, research, or education. The term does not include an individual who has made a
- 1267 refusal.
- 1268 "Reasonably available" means able to be contacted by a procurement organization without undue
- 1269 effort and willing and able to act in a timely manner consistent with existing medical criteria necessary
- 1270 for the making of an anatomical gift.
- 1271 "Recipient" means an individual into whose body a decedent's part has been or is intended to be
- 1272 transplanted.
- 1273 "Record" means information that is inscribed on a tangible medium or that is stored in an electronic
- 1274 or other medium and is retrievable in perceivable form.
- 1275 "Refusal" means a record created under § 32.1-291.7 that expressly states an intent to bar other
- 1276 persons from making an anatomical gift of an individual's body or part.
- 1277 "Sign" means, with the present intent to authenticate or adopt a record:
- 1278 1. To execute or adopt a tangible symbol; or
- 1279 2. To attach to or logically associate with the record an electronic symbol, sound, or process.
- 1280 "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States
- 1281 Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- 1282 "Technician" means an individual determined to be qualified to remove or process parts by an
- 1283 appropriate organization that is licensed, accredited, or regulated under federal or state law. The term
- 1284 includes an enucleator.
- 1285 "Tissue" means a portion of the human body other than an organ or an eye. The term does not
- 1286 include blood unless the blood is donated for the purpose of research or education.
- 1287 "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to
- 1288 engage in the recovery, screening, testing, processing, storage, or distribution of tissue and that is a

1289 member of the Virginia Transplant Council, accredited by the American Association of Tissue Banks,
1290 and operating in the Commonwealth of Virginia.

1291 "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical
1292 specialty services required for the care of transplant patients.

1293 **§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

1294 A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the
1295 following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth
1296 without the payment of toll while in the performance of their official duties:

- 1297 1. The Commissioner of Highways;
- 1298 2. Members of the Commonwealth Transportation Board;
- 1299 3. Employees of the Department of Transportation;
- 1300 4. The Superintendent of the Department of State Police;
- 1301 5. Officers and employees of the Department of State Police;
- 1302 6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
- 1303 7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control
1304 Authority and special agents of the Virginia Alcoholic Beverage Control Authority;
- 1305 8. The Commissioner of the Department of Motor Vehicles;
- 1306 9. Employees of the Department of Motor Vehicles;
- 1307 10. Local police officers;
- 1308 11. Sheriffs and their deputies;
- 1309 12. Regional jail officials;
- 1310 13. Animal wardens;
- 1311 14. The Director and officers of the Department of Game and Inland Fisheries;
- 1312 15. Persons operating firefighting equipment and emergency medical services vehicles owned by a
1313 political subdivision of the Commonwealth or a nonprofit association or corporation;
- 1314 16. Operators of school buses being used to transport pupils to or from schools;
- 1315 17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the
1316 driver, and used to regularly transport workers to and from their places of employment and (ii) public
1317 transit buses;
- 1318 18. Employees of the Department of Rail and Public Transportation;
- 1319 19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation
1320 Act of 1988; and
- 1321 20. Law-enforcement officers of the Virginia Marine Resources Commission.

1322 B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free
1323 use of such facilities, in cases of emergency and circumstances of concern for public safety on the
1324 highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual
1325 or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of
1326 the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1327 1. The assessment of the threat to public safety shall be performed and the decision temporarily to
1328 suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

1329 2. Major incidents that may require the temporary suspension of toll collection operations shall
1330 include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of
1331 hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions;
1332 and (iv) other incidents deemed to present a risk to public safety.

1333 3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable
1334 for any incident resulting in the suspension of toll collections as provided in this subsection, the court
1335 may assess against the person an amount equal to lost toll revenue as a part of the costs of the
1336 proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the
1337 Department of Transportation for deposit into the toll road fund.

1338 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll
1339 bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a
1340 misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than
1341 those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll
1342 ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

1343 D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or
1344 any other state or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the
1345 comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways
1346 shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

- 1347 1. The vehicle is specially equipped to permit its operation by a handicapped person;
- 1348 2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth
1349 or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being
1350 severely physically disabled and having permanent upper limb mobility or dexterity impairments that

1351 substantially impair his ability to deposit coins in toll baskets;
1352 3. The driver has applied for and received from the Department of Transportation a vehicle window
1353 sticker identifying him as eligible for such free passage; and
1354 4. Such identifying window sticker is properly displayed on the vehicle.
1355 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the
1356 Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by
1357 those persons exempted from tolls pursuant to this subsection and shall accept any payments made by
1358 such persons.
1359 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the
1360 provisions of § 22.1-187.
1361 F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use
1362 the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or
1363 facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation
1364 Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the
1365 conduct of official business:
1366 1. The Commissioner of Highways;
1367 2. Members of the Commonwealth Transportation Board;
1368 3. Employees of the Department of Transportation;
1369 4. The Superintendent of the Department of State Police;
1370 5. Officers and employees of the Department of State Police;
1371 6. The Commissioner of the Department of Motor Vehicles;
1372 7. Employees of the Department of Motor Vehicles; and
1373 8. Sheriffs and deputy sheriffs.
1374 G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in
1375 Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements
1376 of subdivisions D 1 through 4.
1377 H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of
1378 the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of
1379 subdivision B 1 of § 56-543, said vehicles shall not be permitted toll-free use of a roadway as defined
1380 pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).
1381 **§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle**
1382 **insurance policies; review by Commissioner.**
1383 A. The following definitions shall apply to this section:
1384 "Cancellation" or "to cancel" means a termination of a policy during the policy period.
1385 "Insurer" means any insurance company, association, or exchange licensed to transact motor vehicle
1386 insurance in this Commonwealth.
1387 "Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or
1388 property damage liability insurance issued or delivered in this Commonwealth covering liability arising
1389 from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one
1390 individual or husband and wife who are residents of the same household, and under which the insured
1391 vehicle designated in the policy is either:
1392 a. A motor vehicle of a private passenger, station wagon, or motorcycle type that is not used
1393 commercially, rented to others, or used as a public or livery conveyance where the term "public or
1394 livery conveyance" does not include car pools, or
1395 b. Any other four-wheel motor vehicle which is not used in the occupation, profession, or business,
1396 other than farming, of the insured, or as a public or livery conveyance, or rented to others. The term
1397 "policy of motor vehicle insurance" or "policy" does not include (i) any policy issued through the
1398 Virginia Automobile Insurance Plan, (ii) any policy covering the operation of a garage, sales agency,
1399 repair shop, service station, or public parking place, (iii) any policy providing insurance only on an
1400 excess basis, or (iv) any other contract providing insurance to the named insured even though the
1401 contract may incidentally provide insurance on motor vehicles.
1402 "Renewal" or "to renew" means (i) the issuance and delivery by an insurer of a policy superseding at
1403 the end of the policy period a policy previously issued and delivered by the same insurer, providing
1404 types and limits of coverage at least equal to those contained in the policy being superseded, or (ii) the
1405 issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period
1406 or term with types and limits of coverage at least equal to those contained in the policy. Each renewal
1407 shall conform with the requirements of the manual rules and rating program currently filed by the
1408 insurer with the Commission. Except as provided in subsection K of this section, any policy with a
1409 policy period or term of less than 12 months or any policy with no fixed expiration date shall for the
1410 purpose of this section be considered as if written for successive policy periods or terms of six months
1411 from the original effective date.

1412 B. This section shall apply only to that portion of a policy of motor vehicle insurance providing the
1413 coverage required by §§ 38.2-2204, 38.2-2205, and 38.2-2206.

1414 C. 1. No insurer shall refuse to renew a motor vehicle insurance policy solely because of any one or
1415 more of the following factors:

1416 a. Age;

1417 b. Sex;

1418 c. Residence;

1419 d. Race;

1420 e. Color;

1421 f. Creed;

1422 g. National origin;

1423 h. Ancestry;

1424 i. Marital status;

1425 j. Lawful occupation, including the military service;

1426 k. Lack of driving experience, or number of years driving experience;

1427 l. Lack of supporting business or lack of the potential for acquiring such business;

1428 m. One or more accidents or violations that occurred more than 48 months immediately preceding
1429 the upcoming anniversary date;

1430 n. One or more claims submitted under the uninsured motorists coverage of the policy where the
1431 uninsured motorist is known or there is physical evidence of contact;

1432 o. A single claim by a single insured submitted under the medical expense coverage due to an
1433 accident for which the insured was neither wholly nor partially at fault;

1434 p. One or more claims submitted under the comprehensive or towing coverages. However, nothing in
1435 this section shall prohibit an insurer from modifying or refusing to renew the comprehensive or towing
1436 coverages at the time of renewal of the policy on the basis of one or more claims submitted by an
1437 insured under those coverages, provided that the insurer shall mail or deliver to the insured at the
1438 address shown in the policy, or deliver electronically to the address provided by the named insured,
1439 written notice of any such change in coverage at least 45 days prior to the renewal;

1440 q. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused
1441 either wholly or partially by the named insured, a resident of the same household, or other customary
1442 operator;

1443 r. Credit information contained in a "consumer report," as defined in the federal Fair Credit
1444 Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing
1445 or credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit
1446 information shall be based on a consumer report procured within 120 days from the effective date of the
1447 nonrenewal. The provisions of this subdivision shall apply only to insurance purchased primarily for
1448 personal, family, or household purposes; or

1449 s. The refusal of a motor vehicle owner as defined in § 46.2-1088.6 to provide access to recorded
1450 data from a recording device as defined in § 46.2-1088.6.

1451 2. Nothing in this section shall require any insurer to renew a policy for an insured where the
1452 insured's occupation has changed so as to materially increase the risk. Nothing contained in subdivisions
1453 C 1 n, 1 o, and 1 p of this subsection shall prohibit an insurer from refusing to renew a policy where a
1454 claim is false or fraudulent. Nothing in this section prohibits any insurer from setting rates in accordance
1455 with relevant actuarial data.

1456 D. No insurer shall cancel a policy except for one or more of the following reasons:

1457 1. The named insured or any other operator who either resides in the same household or customarily
1458 operates a motor vehicle insured under the policy has had his ~~driver's license~~ *driving privileges*
1459 suspended or revoked during the policy period or, if the policy is a renewal, during its policy period or
1460 the 90 days immediately preceding the last effective date.

1461 2. The named insured fails to pay the premium for the policy or any installment of the premium,
1462 whether payable to the insurer or its agent either directly or indirectly under any premium finance plan
1463 or extension of credit.

1464 3. The named insured or his duly constituted attorney-in-fact has notified the insurer of a change in
1465 the insured's legal residence to a state other than Virginia and the insured vehicle will be principally
1466 garaged in the new state of legal residence.

1467 E. No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall be
1468 effective unless the insurer delivers or mails to the named insured at the address shown in the policy a
1469 written notice of the cancellation or refusal to renew, or the insurer delivers such notice electronically to
1470 the address provided by the named insured. The notice shall:

1471 1. Be in a type size authorized under § 38.2-311.

1472 2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation
1473 or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of

1474 cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed
 1475 for the reason set forth in subdivision *D 2* of ~~subsection D of this section~~ the effective date may be less
 1476 than 45 days but at least 15 days from the date of mailing or delivery.

1477 3. State the specific reason of the insurer for cancellation or refusal to renew and provide for the
 1478 notification required by §§ 38.2-608, 38.2-609, and subsection B of § 38.2-610. However, those
 1479 notification requirements shall not apply when the policy is being canceled or not renewed for the
 1480 reason set forth in subdivision *D 2* of ~~subsection D of this section~~.

1481 4. Inform the insured of his right to request in writing within 15 days of the receipt of the notice that
 1482 the Commissioner review the action of the insurer.

1483 The notice of cancellation or refusal to renew shall contain the following statement to inform the
 1484 insured of such right:

1485 **IMPORTANT NOTICE**

1486 Within 15 days of receiving this notice, you or your attorney may request in writing that the
 1487 Commissioner of Insurance review this action to determine whether the insurer has complied with
 1488 Virginia laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the
 1489 cancellation or nonrenewal laws, the Commissioner may require that your policy be reinstated. However,
 1490 the Commissioner is prohibited from making underwriting judgments. If this insurer has complied with
 1491 the cancellation or nonrenewal laws, the Commissioner does not have the authority to overturn this
 1492 action.

1493 5. Inform the insured of the possible availability of other insurance which may be obtained through
 1494 his agent, through another insurer, or through the Virginia Automobile Insurance Plan.

1495 6. If sent by mail or delivered electronically, comply with the provisions of § 38.2-2208.

1496 Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation
 1497 or refusal to renew, any additional disclosure statements required by state or federal laws, or any
 1498 additional information relating to the availability of other insurance.

1499 F. Nothing in this section shall apply:

1500 1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew
 1501 by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has
 1502 manifested its willingness to renew in writing to the insured. The written manifestation shall include the
 1503 name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and
 1504 information regarding the estimated renewal premium. The insurer shall retain a copy of each written
 1505 manifestation for a period of at least one year from the expiration date of any policy that is not
 1506 renewed;

1507 2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent
 1508 orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy
 1509 to be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he
 1510 fails to accept the offer of the insurer to renew the policy;

1511 3. To any motor vehicle insurance policy which has been in effect less than 60 days when the
 1512 termination notice is mailed or delivered to the insured, unless it is a renewal policy; or

1513 4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than
 1514 would have been charged for the same exposures on the expiring policy. The affiliated insurer shall
 1515 manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at
 1516 least equal to those contained in the expiring policy unless the named insured has requested a change in
 1517 coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be
 1518 required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be
 1519 deemed to be a renewal policy.

1520 G. There shall be no liability on the part of and no cause of action of any nature shall arise against
 1521 the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its
 1522 employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal
 1523 to renew, for any statement made by any of them in complying with this section or for providing
 1524 information pertaining to the cancellation or refusal to renew. For the purposes of this section, no
 1525 insurer shall be required to furnish a notice of cancellation or refusal to renew to anyone other than the
 1526 named insured, any person designated by the named insured, or any other person to whom such notice
 1527 is required to be given by the terms of the policy and the Commissioner.

1528 H. Within 15 days of receipt of the notice of cancellation or refusal to renew, any insured or his
 1529 attorney shall be entitled to request in writing to the Commissioner that he review the action of the
 1530 insurer in canceling or refusing to renew the policy of the insured. Upon receipt of the request, the
 1531 Commissioner shall promptly begin a review to determine whether the insurer's cancellation or refusal to
 1532 renew complies with the requirements of this section and of § 38.2-2208 if the notice was sent by mail
 1533 or delivered electronically. The policy shall remain in full force and effect during the pendency of the
 1534 review by the Commissioner except where the cancellation or refusal to renew is for the reason set forth

1535 in subdivision *D* 2 of ~~subsection D of this section~~, in which case the policy shall terminate as of the
 1536 effective date stated in the notice. Where the Commissioner finds from the review that the cancellation
 1537 or refusal to renew has not complied with the requirements of this section or of § 38.2-2208, he shall
 1538 immediately notify the insurer, the insured and any other person to whom such notice was required to
 1539 be given by the terms of the policy that the cancellation or refusal to renew is not effective. Nothing in
 1540 this section authorizes the Commissioner to substitute his judgment as to underwriting for that of the
 1541 insurer. Where the Commissioner finds in favor of the insured, the Commission in its discretion may
 1542 award the insured reasonable attorneys' fees.

1543 I. Each insurer shall maintain for at least one year, records of cancellation and refusal to renew and
 1544 copies of every notice or statement referred to in subsection E of ~~this section~~ that it sends to any of its
 1545 insureds.

1546 J. The provisions of this section shall not apply to any insurer that limits the issuance of policies of
 1547 motor vehicle liability insurance to one class or group of persons engaged in any one particular
 1548 profession, trade, occupation, or business. Nothing in this section requires an insurer to renew a policy
 1549 of motor vehicle insurance if the insured does not conform to the occupational or membership
 1550 requirements of an insurer who limits its writings to an occupation or membership of an organization.
 1551 No insurer is required to renew a policy if the insured becomes a nonresident of Virginia.

1552 K. Notwithstanding any other provision of this section, a motor vehicle insurance policy with a
 1553 policy period or term of five months or less may expire at its expiration date when the insurer has
 1554 manifested in writing its willingness to renew the policy for at least 30 days and has mailed or delivered
 1555 the written manifestation to the insured at least 15 days before the expiration date of the policy. The
 1556 written manifestation shall include the name of the proposed insurer, the expiration date of the policy,
 1557 the type of insurance coverage, and the estimated renewal premium. The insurer shall retain a copy of
 1558 the written manifestation for at least one year from the expiration date of any policy that is not renewed.

1559 **§ 46.2-328.1. Licenses, permits, and special identification cards to be issued only to United**
 1560 **States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas;**
 1561 **exceptions; renewal, duplication, or reissuance.**

1562 A. Notwithstanding any other provision of this title, except as provided in subsection G of
 1563 § 46.2-345, the Department shall not issue an original license, permit, or special identification card to
 1564 any applicant who has not presented to the Department, with the application, valid documentary
 1565 evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of
 1566 the United States, or (iii) a conditional resident alien of the United States.

1567 B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345,
 1568 an applicant who presents in person valid documentary evidence of ~~(i) a valid, unexpired nonimmigrant~~
 1569 ~~visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application~~
 1570 ~~for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or~~
 1571 ~~approved application for temporary protected status in the United States, (v) approved deferred action~~
 1572 ~~status, or (vi) a pending application for adjustment of status to legal permanent residence status or~~
 1573 ~~conditional resident status, that a federal court or federal agency having jurisdiction over immigration~~
 1574 ~~has authorized the applicant to be in the United States may be issued a temporary limited-duration~~
 1575 ~~license, permit, or special identification card. Such temporary limited-duration license, permit, or special~~
 1576 ~~identification card shall be valid only during the period of time of the applicant's authorized stay in the~~
 1577 ~~United States or if there is no definite end to the period of authorized stay a period of one year. No~~
 1578 ~~license, permit, or special identification card shall be issued if an applicant's authorized stay in the~~
 1579 ~~United States is less than 30 days from the date of application. Any temporary limited-duration license,~~
 1580 ~~permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is~~
 1581 ~~temporary valid for a limited period and shall state the date that it expires. Such a temporary license,~~
 1582 ~~permit, or identification card may be renewed only upon presentation of valid documentary evidence that~~
 1583 ~~the status by which the applicant qualified for the temporary license, permit, or special identification has~~
 1584 ~~been extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship~~
 1585 ~~and Immigration Services of the Department of Homeland Security a federal court or federal agency~~
 1586 ~~having jurisdiction over immigration.~~

1587 C. Any license, *permit*, or special identification card for which an application has been made for
 1588 renewal, duplication or reissuance shall be presumed to have been issued in accordance with the
 1589 provisions of subsection A, provided that, at the time the application is made, (i) the license, *permit*, or
 1590 special identification card has not expired or been cancelled, suspended or revoked or (ii) the license,
 1591 *permit*, or special identification card has been canceled or suspended as a result of the applicant having
 1592 been placed under medical review by the Department pursuant to § 46.2-322. The requirements of
 1593 subsection A shall apply, however, to a renewal, duplication or reissuance if the Department is notified
 1594 by a local, state or federal government agency that the individual seeking such renewal, duplication or
 1595 reissuance is neither a citizen of the United States nor legally in the United States.

1596 D. The Department shall cancel any license, permit, or special identification card that it has issued to

1597 an individual if it is notified by a federal government agency that the individual is neither a citizen of
1598 the United States nor legally present in the United States.

1599 E. For any applicant who presents a document pursuant to this section proving legal presence other
1600 than citizenship, the Department shall record and provide to the State Board of Elections monthly the
1601 applicant's document number, if any, issued by an agency or court of the United States government.

1602 **§ 46.2-328.2. Driver privilege cards and permits.**

1603 A. Upon application of any person who does not meet the requirements for a driver's license or
1604 permit under subsection A or B of § 46.2-328.1, the Department may issue a driver privilege card or
1605 permit if the Department determines that the applicant (i) has reported income and deductions from
1606 Virginia sources, as defined in § 58.1-302, on an individual income tax return filed with the
1607 Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements set
1608 forth in Article 8 (§ 46.2-705 et seq.) of Chapter 6.

1609 B. Driver privilege cards and permits shall confer the same privileges and shall be subject to the
1610 same provisions of this title as driver's licenses and permits issued under this chapter, unless otherwise
1611 provided, and shall be subject to the following conditions and exceptions:

1612 1. Driver privilege cards and permits shall state "NOT VALID IDENTIFICATION FOR FEDERAL,
1613 VOTING, OR PUBLIC BENEFIT PURPOSES" in conspicuous, bold print on the face of the card or
1614 permit;

1615 2. An applicant for a driver privilege card or permit shall not be eligible for a waiver of any part of
1616 the driver examination provided under § 46.2-325;

1617 3. An applicant for a driver privilege card or permit shall not be required to present proof of legal
1618 presence in the United States;

1619 4. A driver privilege card or permit shall expire on the applicant's second birthday following the
1620 date of issuance; and

1621 5. The fee for an original driver privilege card or permit shall be \$51; however, the Department may
1622 issue, upon application by the holder of a valid, unexpired card or permit issued under this section, and
1623 upon payment of a fee of \$20, another driver privilege card or permit that shall be valid for a period of
1624 two years from the date of issuance.

1625 **§ 46.2-330. Expiration and renewal of licenses; examinations required.**

1626 A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for
1627 which a driver's license has been issued. At no time shall any driver's license be issued for more than
1628 eight years. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and
1629 shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's
1630 license issued to a person age 75 or older shall be issued for a period not to exceed five years.
1631 Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring
1632 license if (i) the Department is unable to process an application for renewal due to circumstances
1633 beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii)
1634 the license was not issued as a temporary limited-duration driver's license under the provisions of
1635 subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90
1636 days per occurrence of such conditions. In determining the number of years for which a driver's license
1637 shall be renewed, the Commissioner shall take into consideration the examinations, conditions,
1638 requirements, and other criteria provided under this title that relate to the issuance of a license to operate
1639 a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et
1640 seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age
1641 equally divisible by five.

1642 B. Within one year prior to the date shown on the driver's license as the date of expiration, the
1643 Department shall send notice, to the holder thereof, at the address shown on the records of the
1644 Department in its driver's license file, that his license will expire on a date specified therein, whether he
1645 must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the
1646 period of validity of the driver's license beyond its expiration date. The license holder may request the
1647 Department to send such renewal notice to an email or other electronic address, upon provision of such
1648 address to the Department.

1649 Any driver's license may be renewed by application after the applicant has taken and successfully
1650 completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia
1651 Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the
1652 parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person
1653 for renewal of a license shall take and successfully complete the examination each renewal year. Every
1654 applicant for a renewal shall appear in person before the Department, unless specifically notified by the
1655 Department that renewal may be accomplished in another manner as provided in the notice. Applicants
1656 who are required to appear in person before the Department to apply for a renewal may also be required
1657 to present proof of identity, legal presence, residency, and social security number or non-work

1658 authorized status.

1659 C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may
 1660 require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the
 1661 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less
 1662 than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of
 1663 a driver's license that is not a commercial driver's license and the requirement for the taking of the
 1664 written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial
 1665 Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision
 1666 examination for applicants for renewal of a commercial driver's license or of the knowledge test required
 1667 by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a
 1668 commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years
 1669 old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a
 1670 vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto
 1671 by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the
 1672 standards contained in § 46.2-311.

1673 D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent
 1674 on any examination of the applicant, shall appear in person before the Department to apply for renewal,
 1675 unless specifically notified by the Department that renewal may be accomplished in another manner as
 1676 provided in the notice.

1677 E. This section shall not modify the provisions of § 46.2-221.2.

1678 F. 1. The Department shall electronically transmit application information, including a photograph, to
 1679 the Department of State Police, in a format approved by the State Police, for comparison with
 1680 information contained in the Virginia Criminal Information Network and National Crime Information
 1681 Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license.
 1682 Whenever it appears from the records of the State Police that a person has failed to comply with the
 1683 duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall
 1684 promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant
 1685 or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the
 1686 person last registered or reregistered or in the jurisdiction where the person made application for
 1687 licensure. The Department of State Police shall electronically transmit to the Department, in a format
 1688 approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1,
 1689 registry information consisting of the person's name, all aliases that he has used or under which he may
 1690 have been known, his date of birth, and his social security number as set out in § 9.1-903.

1691 2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not
 1692 waive the requirement that each such person shall appear for each renewal or the requirement to obtain
 1693 a photograph in accordance with subsection C of § 46.2-323.

1694 **§ 46.2-332. Fees.**

1695 ~~On and after January 1, 1990, the~~ The fee for each driver's license other than a commercial driver's
 1696 license shall be \$2.40 per year. *This fee shall not apply to driver privilege cards or permits issued under*
 1697 *§ 46.2-328.2.* If the license is a commercial driver's license or seasonal restricted commercial driver's
 1698 license, the fee shall be \$6 per year. ~~Persons 21 years old or older may be issued a seenie driver's~~
 1699 ~~license, learner's permit, or commercial driver's license for an additional fee of \$5.~~ For any one or more
 1700 driver's license endorsements or classifications, except a motorcycle classification, there shall be an
 1701 additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per
 1702 year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For
 1703 any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10
 1704 shall be charged to extend the validity period of a driver's license pursuant to subsection B of §
 1705 46.2-221.2.

1706 In addition to any other fee imposed and collected by the Department, the Department shall impose
 1707 and collect a service charge of \$5 upon each person who carries out the renewal of a driver's license or
 1708 special identification card in any of the Department's Customer Service Centers if such renewal can be
 1709 conducted by mail or telephone or by using an electronic medium in a format prescribed by the
 1710 Commissioner. Such service charge shall not apply if, concurrently with the renewal of the driver's
 1711 license or special identification card, the person undertakes another transaction at a Customer Service
 1712 Center that cannot be conducted by mail or telephone or by using an electronic medium in a format
 1713 prescribed by the Commissioner. Such service charge shall be paid by the Commissioner into the state
 1714 treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

1715 A reexamination fee of \$2 shall be charged for each administration of the knowledge portion of the
 1716 driver's license examination taken by an applicant who is 18 years of age or older if taken more than
 1717 once within a 15-day period. The reexamination fee shall be charged each time the examination is
 1718 administered until the applicant successfully completes the examination, if taken prior to the fifteenth
 1719 day.

1720 An applicant who is less than 18 years of age who does not successfully complete the knowledge
 1721 portion of the driver's license examination shall not be permitted to take the knowledge portion more
 1722 than once in 15 days.

1723 A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a
 1724 scheduled skills test appointment, unless such applicant cancels his appointment with the assigned
 1725 driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner
 1726 may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the
 1727 Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary
 1728 expenses incurred by the Department.

1729 If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or
 1730 town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be
 1731 exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial
 1732 motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for
 1733 completion by persons claiming exemption from additional fees imposed by this section.

1734 No additional fee above \$2.40 per year shall be assessed for the driver's license or commercial
 1735 driver's license required for the operation of a school bus.

1736 Excluding the \$2 reexamination fee, \$1.50 of all fees collected for each original or renewal driver's
 1737 license, *other than a driver privilege card issued under § 46.2-328.2*, shall be paid into the driver
 1738 education fund of the state treasury and expended as provided by law. Unexpended funds from the
 1739 driver education fund shall be retained in the fund and be available for expenditure in ensuing years as
 1740 provided therein.

1741 All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

1742 This section shall supersede conflicting provisions of this chapter.

1743 **§ 46.2-333.1. Surcharges on certain fees of Department; disposition of proceeds.**

1744 Notwithstanding any contrary provision of this chapter, there are hereby imposed, in addition to other
 1745 fees imposed by this chapter, the following surcharges in the following amounts:

- 1746 1. For the issuance of any driver's license other than a commercial driver's license, *or a driver*
 1747 *privilege card issued under § 46.2-328.2*, \$1.60 per year of validity of the license;
- 1748 2. For the issuance of any commercial driver's license, \$1 per year of validity of the license;
- 1749 3. For the reissuance or replacement of any driver's license, \$5; and
- 1750 4. For the reinstatement of any driver's license, \$15.

1751 All surcharges collected by the Department under this section shall be paid into the state treasury and
 1752 shall be set aside as a special fund to be used to support the operation and activities of the Department's
 1753 customer service centers.

1754 **§ 46.2-335. Learner's permits; fees; certification required.**

1755 A. The Department, on receiving from any Virginia resident over the age of 15 years and six months
 1756 an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's
 1757 satisfactory documentation of meeting the requirements of this chapter and successful completion of the
 1758 written or automated knowledge and vision examinations and, in the case of a motorcycle learner's
 1759 permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the
 1760 permit in his immediate possession, to drive a motor vehicle or, if the application is made for a
 1761 motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver
 1762 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother,
 1763 half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i)
 1764 alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle
 1765 instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii)
 1766 lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

1767 The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any
 1768 minor applicant required to provide evidence of compliance with the compulsory school attendance law
 1769 set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good
 1770 academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian,
 1771 having custody of such minor, provides written authorization for the minor to obtain a learner's permit
 1772 or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the
 1773 Department and indicating the Commonwealth's interest in the good academic standing and regular
 1774 school attendance of such minors. Any minor providing proper evidence of the solemnization of his
 1775 marriage or a certified copy of a court order of emancipation shall not be required to provide the
 1776 certification of good academic standing or any written authorization from his parent or guardian to
 1777 obtain a learner's permit or motorcycle learner's permit.

1778 Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is
 1779 issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance
 1780 of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12

1781 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an
1782 application, payment of the application fee, and successful completion of the examinations, be issued
1783 another motorcycle learner's permit valid for 12 months.

1784 Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but
1785 who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first
1786 behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving
1787 privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions
1788 ordered by the court.

1789 B. No driver's license shall be issued to any such person who is less than 18 years old unless, while
1790 holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were
1791 after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or
1792 otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall
1793 contain the following statement:

1794 "It is illegal for anyone to give false information in connection with obtaining a driver's license. This
1795 certification is considered part of the driver's license application, and anyone who certifies to a false
1796 statement may be prosecuted. I certify that the statements made and the information submitted by me
1797 regarding this certification are true and correct."

1798 Such form shall also include the driver's license or Department of Motor Vehicles-issued
1799 identification card number of the person making the certification.

1800 C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one
1801 passenger who is less than 21 years old, except when participating in a driver education program
1802 approved by the Department of Education or a course offered by a driver training school licensed by the
1803 Department. This passenger limitation, however, shall not apply to the members of the driver's family or
1804 household as defined in subsection B of § 46.2-334.01.

1805 D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and
1806 four o'clock a.m.

1807 E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a
1808 learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any
1809 cellular telephone or any other wireless telecommunications device, regardless of whether or not such
1810 device is handheld. No citation for a violation of this subsection shall be issued unless the officer
1811 issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of
1812 some other provision of this Code or local ordinance relating to the operation, ownership, or
1813 maintenance of a motor vehicle or any criminal statute.

1814 F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of
1815 damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any
1816 action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor
1817 vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to
1818 any such civil action.

1819 G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia
1820 residence and, in the case of persons of school age, compliance with the compulsory school attendance
1821 law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits
1822 issued under this section.

1823 H. For persons qualifying for a driver's license through driver education courses approved by the
1824 Department of Education or courses offered by driver training schools licensed by the Department, the
1825 application for the learner's permit shall be used as the application for the driver's license.

1826 I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit
1827 issued under this section. Fees for issuance of learner's permits, *other than permits issued under*
1828 *§ 46.2-328.2*, shall be paid into the driver education fund of the state treasury; fees for issuance of
1829 motorcycle learner's permits shall be paid into the state treasury and credited to the Motorcycle Rider
1830 Safety Training Program Fund created pursuant to § 46.2-1191. It shall be unlawful for any person, after
1831 having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed
1832 driver as provided in the foregoing provisions of this section; however, a learner's permit other than a
1833 motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years
1834 and three months old and has successfully completed an approved driver's education course, signed by
1835 the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a
1836 temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age
1837 or older, if all other requirements of this chapter have been met. Such temporary driver's license shall
1838 only be valid until the driver has received his permanent license pursuant to § 46.2-336.

1839 J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a
1840 person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's
1841 License Act (§ 46.2-341.1 et seq.).

1842 K. The following limitations shall apply to operation of motorcycles by all persons holding

1843 motorcycle learner's permits:

1844 1. The operator shall wear an approved safety helmet as provided in § 46.2-910.

1845 2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle
1846 who is 21 years of age or older.

1847 3. No person other than the operator shall occupy the motorcycle.

1848 L. Any violation of this section shall be punishable as a Class 2 misdemeanor.

1849 **§ 46.2-343. Duplicate driver's license, reissued driver's licenses, learner's permit; fees.**

1850 If a driver's license or learner's permit issued under the provisions of this chapter is lost, stolen, or
1851 destroyed, the person to whom it was issued may obtain a duplicate or substitute thereof on furnishing
1852 proof satisfactory to the Department that his license or permit has been lost, stolen, or destroyed, or that
1853 there are good reasons why a duplicate should be issued. Every applicant for a duplicate or reissued
1854 driver's license shall appear in person before the Department to apply, unless permitted by the
1855 Department to apply for duplicate or reissue in another manner. Applicants who are required to apply in
1856 person may be required to present proof of identity, legal presence, residency, and social security
1857 number or non-work authorized status.

1858 There shall be a fee of ~~five dollars~~ \$5 for each duplicate license and ~~two dollars~~ \$2 for each
1859 duplicate learner's permit. ~~An additional fee of five dollars shall be charged to add or change the scene~~
1860 ~~on a duplicate license or duplicate learner's permit.~~

1861 There shall be a fee of ~~five dollars~~ \$5 for reissuance of any driver's license upon the termination of
1862 driving restrictions imposed upon the licensee by the Department or a court. ~~An additional fee of five~~
1863 ~~dollars shall be charged to add or change the scene on a license upon reissuance.~~

1864 **§ 58.1-3. Secrecy of information; penalties.**

1865 A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax
1866 Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or
1867 revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512
1868 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge
1869 any information acquired by him in the performance of his duties with respect to the transactions,
1870 property, including personal property, income or business of any person, firm or corporation. Such
1871 prohibition specifically includes any copy of a federal return or federal return information required by
1872 Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any
1873 reports, returns, financial documents or other information filed with the Attorney General pursuant to the
1874 provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the
1875 provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not
1876 be applicable, however, to:

1877 1. Matters required by law to be entered on any public assessment roll or book;

1878 2. Acts performed or words spoken, published, or shared with another agency or subdivision of the
1879 Commonwealth in the line of duty under state law;

1880 3. Inquiries and investigations to obtain information as to the process of real estate assessments by a
1881 duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to
1882 its study, provided that any such information obtained shall be privileged;

1883 4. The sales price, date of construction, physical dimensions or characteristics of real property, or any
1884 information required for building permits;

1885 5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court
1886 pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;

1887 6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when
1888 requested by the General Assembly or any duly constituted committee of the General Assembly;

1889 7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the
1890 provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the
1891 Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow
1892 fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the
1893 Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two
1894 calendar years or in any year in which the Attorney General receives Stamping Agent information that
1895 potentially alters the required escrow deposit of the manufacturer. The information shall only be
1896 provided in the following manner: the manufacturer may make a written request, on a quarterly or
1897 yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the
1898 amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who
1899 reported stamping or selling its products and the amount reported. The Attorney General shall provide
1900 the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the
1901 reports the Stamping Agents filed with the Attorney General, it must first request them from the
1902 Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the
1903 reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the

1904 Attorney General, including a copy of the prior written request to the Stamping Agent and any response
1905 received, for copies of any reports not received. The Attorney General shall provide copies of the
1906 reports within 45 days of receipt of the request.

1907 B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so
1908 classified as to prevent the identification of particular reports or returns and the items thereof or the
1909 publication of delinquent lists showing the names of taxpayers who are currently delinquent, together
1910 with any relevant information which in the opinion of the Department may assist in the collection of
1911 such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department,
1912 upon request by the General Assembly or any duly constituted committee of the General Assembly,
1913 shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers,
1914 regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This
1915 section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or
1916 corporation is licensed to do business in that locality and divulging, upon written request, the name and
1917 address of any person, firm or corporation transacting business under a fictitious name. Additionally,
1918 notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon
1919 written request stating the reason for such request, the Tax Commissioner with information obtained
1920 from local tax returns and other information pertaining to the income, sales and property of any person,
1921 firm or corporation licensed to do business in that locality.

1922 2. This section shall not prohibit the Department from disclosing whether a person, firm, or
1923 corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or
1924 whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding
1925 any other provision of law, the Department is hereby authorized to make available the names and
1926 certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

1927 3. This section shall not prohibit the Department from disclosing information to nongovernmental
1928 entities with which the Department has entered into a contract to provide services that assist it in the
1929 administration of refund processing or other services related to its administration of taxes.

1930 4. This section shall not prohibit the Department from disclosing information to taxpayers regarding
1931 whether the taxpayer's employer or another person or entity required to withhold on behalf of such
1932 taxpayer submitted withholding records to the Department for a specific taxable year as required
1933 pursuant to subdivision C 1 of § 58.1-478.

1934 C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax
1935 Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director
1936 of finance or other similar collector of county, city or town taxes who, for the performance of his
1937 official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the
1938 Commissioner of the Department of Social Services, upon written request, information on the amount of
1939 income, filing status, number and type of dependents, and whether a federal earned income tax credit
1940 has been claimed as reported by persons on their state income tax returns who have applied for public
1941 assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer
1942 of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the
1943 names and home addresses of those persons identified by the designated guarantor as having delinquent
1944 loans guaranteed by the designated guarantor; (iv) provide current address information upon request to
1945 state agencies and institutions for their confidential use in facilitating the collection of accounts
1946 receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the
1947 collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the
1948 Commissioner of the Virginia Employment Commission, after entering into a written agreement, such
1949 tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid
1950 benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written
1951 agreement, such tax information as may be necessary to facilitate the collection of state and local taxes
1952 and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the
1953 Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who
1954 owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax
1955 information as may be necessary to facilitate the location of owners and holders of unclaimed property,
1956 as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written
1957 agreement, such tax information as may be necessary to facilitate the collection of taxes and fees
1958 administered by the Commission; (x) provide to the Executive Director of the Potomac and
1959 Rappahannock Transportation Commission for his confidential use such tax information as may be
1960 necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the
1961 Commissioner of the Department of Agriculture and Consumer Services such tax information as may be
1962 necessary to identify those applicants for registration as a supplier of charitable gaming supplies who
1963 have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing
1964 and Community Development for its confidential use such tax information as may be necessary to
1965 facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270

1966 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and
 1967 address information to private collectors entering into a written agreement with the Tax Commissioner,
 1968 for their confidential use when acting on behalf of the Commonwealth or any of its political
 1969 subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private
 1970 collector who has used or disseminated in an unauthorized or prohibited manner any such information
 1971 previously provided to such collector; (xiv) provide current name and address information as to the
 1972 identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any
 1973 person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for
 1974 injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or
 1975 Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering
 1976 into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid
 1977 wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource
 1978 Management, upon entering into a written agreement, such tax information as may be necessary to
 1979 identify persons receiving workers' compensation indemnity benefits who have failed to report earnings
 1980 as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any
 1981 other officer of any county, city, or town performing any or all of the duties of a commissioner of the
 1982 revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list
 1983 of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii)
 1984 provide to the Executive Director of the Northern Virginia Transportation Commission for his
 1985 confidential use such tax information as may be necessary to facilitate the collection of the motor
 1986 vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the
 1987 name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as
 1988 subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx)
 1989 provide to the developer or the economic development authority of a tourism project authorized by
 1990 § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap
 1991 financing; and (xxi) provide to the Virginia Retirement System and the Department of Human Resource
 1992 Management, after entering into a written agreement, such tax information as may be necessary to
 1993 facilitate the enforcement of subdivision C 4 of § 9.1-401; and (xxii) provide to the Commissioner of the
 1994 Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege
 1995 card or permit under § 46.2-328.2 reported income and deductions from Virginia sources, as defined in
 1996 § 58.1-302, on an individual income tax return filed with the Commonwealth within the preceding 12
 1997 months. The Tax Commissioner is further authorized to enter into written agreements with duly
 1998 constituted tax officials of other states and of the United States for the inspection of tax returns, the
 1999 making of audits, and the exchange of information relating to any tax administered by the Department
 2000 of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to
 2001 the prohibitions and penalties prescribed herein as though he were a tax official.

2002 D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the
 2003 commissioner of revenue or other assessing official is authorized to (i) provide, upon written request
 2004 stating the reason for such request, the chief executive officer of any county or city with information
 2005 furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of
 2006 any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the
 2007 local sales and use tax revenues payable to the county or city; (ii) provide to the Department of
 2008 Professional and Occupational Regulation for its confidential use the name, address, and amount of gross
 2009 receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a
 2010 profession or occupation administered by the Department of Professional and Occupational Regulation,
 2011 only after the Department of Professional and Occupational Regulation exhausts all other means of
 2012 obtaining such information; and (iii) provide to any representative of a condominium unit owners'
 2013 association, property owners' association or real estate cooperative association, or to the owner of
 2014 property governed by any such association, the names and addresses of parties having a security interest
 2015 in real property governed by any such association; however, such information shall be released only
 2016 upon written request stating the reason for such request, which reason shall be limited to proposing or
 2017 opposing changes to the governing documents of the association, and any information received by any
 2018 person under this subsection shall be used only for the reason stated in the written request. The treasurer
 2019 or other local assessing official may require any person requesting information pursuant to clause (iii) of
 2020 this subsection to pay the reasonable cost of providing such information. Any person to whom tax
 2021 information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties
 2022 prescribed herein as though he were a tax official.

2023 Notwithstanding the provisions of subsection A or B or any other provisions of this title, the
 2024 treasurer or other collector of taxes for a county, city or town is authorized to provide information
 2025 relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course
 2026 of performing his duties to the commissioner of the revenue or other assessing official for such

2027 jurisdiction for use by such commissioner or other official in performing assessments.

2028 This section shall not be construed to prohibit a local tax official from imprinting or displaying on a
 2029 motor vehicle local license decal the year, make, and model and any other legal identification
 2030 information about the particular motor vehicle for which that local license decal is assigned.

2031 E. Notwithstanding any other provisions of law, state agencies and any other administrative or
 2032 regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon
 2033 written request, the name, address, and social security number of a taxpayer, necessary for the
 2034 performance of the Commissioner's official duties regarding the administration and enforcement of laws
 2035 within the jurisdiction of the Department of Taxation. The receipt of information by the Tax
 2036 Commissioner or his agent which may be deemed taxpayer information shall not relieve the
 2037 Commissioner of the obligations under this section.

2038 F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published
 2039 any confidential tax document which he knows or has reason to know is a confidential tax document. A
 2040 confidential tax document is any correspondence, document, or tax return that is prohibited from being
 2041 divulged by subsection A, B, C, or D and includes any document containing information on the
 2042 transactions, property, income, or business of any person, firm, or corporation that is required to be filed
 2043 with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document
 2044 has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person
 2045 violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

2046 **§ 59.1-442. Sale of purchaser information; notice required.**

2047 A. No merchant, without giving notice to the purchaser, shall sell to any third person information
 2048 ~~which that~~ concerns the purchaser and ~~which that~~ is gathered in connection with the sale, rental, or
 2049 exchange of tangible personal property to the purchaser at the merchant's place of business. Notice
 2050 required by this section may be by the posting of a sign or any other reasonable method. If requested by
 2051 a purchaser not to sell such information, the merchant shall not do so. No merchant shall sell any
 2052 information gathered solely as the result of any customer payment by personal check, credit card, or
 2053 where the merchant records the *number of the customer's driver's license number or other document*
 2054 *issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction.*
 2055 This subsection shall not be construed as authorizing a merchant to sell to a third person any
 2056 information concerning a purchaser if the sale or dissemination of the information is prohibited pursuant
 2057 to § 59.1-443.3.

2058 B. For the purposes of this section and § 59.1-443.3, "merchant" means any person or entity engaged
 2059 in the sale of goods from a fixed retail location in Virginia.

2060 **§ 59.1-443.3. Scanning information from driver's license or identification card; retention, sale,**
 2061 **or dissemination of information.**

2062 A. No merchant may scan the machine-readable zone of a *driver's license or other document issued*
 2063 *by the Department of Motor Vehicles-issued identification card or driver's license under Chapter 3*
 2064 *(§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction*, except for the following
 2065 purposes:

2066 1. To verify authenticity of the ~~identification card or~~ *driver's license or other document* or to verify
 2067 the identity of the individual if the individual pays for goods or services with a method other than cash,
 2068 returns an item, or requests a refund or an exchange;

2069 2. To verify the individual's age when providing age-restricted goods or services to the individual if
 2070 there is a reasonable doubt of the individual having reached 18 years of age or older;

2071 3. To prevent fraud or other criminal activity if the individual returns an item or requests a refund or
 2072 an exchange and the merchant uses a fraud prevention service company or system. Information collected
 2073 by scanning an individual's ~~identification card or~~ *driver's license or other document* pursuant to this
 2074 subdivision shall be limited to the individual's name, address, *and* date of birth; *and the number of the*
 2075 *driver's license number or identification card number other document*;

2076 4. To comply with a requirement imposed on the merchant by state or federal law;

2077 5. To provide to a check services company regulated by the federal Fair Credit Reporting Act, (15
 2078 U.S.C. § 1681 et seq.), that receives information obtained from an individual's ~~identification card or~~
 2079 *driver's license or other document* to administer or enforce a transaction or to prevent fraud or other
 2080 criminal activity; or

2081 6. To complete a transaction permitted under the Gramm-Leach-Bliley Act, (15 U.S.C. § 6801 et
 2082 seq.), or the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.).

2083 B. No merchant shall retain any information obtained from a scan of the machine-readable zone of
 2084 an individual's ~~identification card or~~ *driver's license or other document* except as permitted in
 2085 subdivision A 3, 4, 5, or 6.

2086 C. No merchant shall sell or disseminate to a third party any information obtained from a scan of the
 2087 machine-readable zone of an individual's ~~identification card or~~ *driver's license or other document* for any
 2088 marketing, advertising, or promotional purpose. This subsection shall not prohibit a merchant from

2089 disseminating to a third party any such information for a purpose described in subdivision A 3, 4, 5, or
2090 6.

2091 D. Any waiver of a provision of this section is contrary to public policy and is void and
2092 unenforceable.

2093 **§ 63.2-1916. Notice of administrative support order; contents; hearing; modification.**

2094 The Commissioner may proceed against a noncustodial parent whose support debt has accrued or is
2095 accruing based upon subrogation to, assignment of, or authorization to enforce a support obligation.
2096 Such obligation may be created by a court order for support of a child or child and spouse or decree of
2097 divorce ordering support of a child or child and spouse. In the absence of such a court order or decree
2098 of divorce, the Commissioner may, pursuant to this chapter, proceed against a person whose support
2099 debt has accrued or is accruing based upon payment of public assistance or who has a responsibility for
2100 the support of any dependent child or children and their custodial parent. The administrative support
2101 order shall also provide that support shall continue to be paid for any child over the age of 18 who is
2102 (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent
2103 seeking or receiving child support, until such child reaches the age of 19 or graduates from high school,
2104 whichever comes first. The Commissioner shall initiate proceedings by issuing notice containing the
2105 administrative support order which shall become effective unless timely contested. The notice shall be
2106 served upon the debtor (a) in accordance with the provisions of § 8.01-296, 8.01-327 or 8.01-329 or (b)
2107 by certified mail, return receipt requested, or by electronic means, or the debtor may accept service by
2108 signing a formal waiver. A copy of the notice shall be provided to the obligee. The notice shall include
2109 the following:

2110 1. A statement of the support debt or obligation accrued or accruing and the basis and authority
2111 under which the assessment of the debt or obligation was made. The initial administrative support order
2112 shall be effective on the date of service and the first monthly payment shall be due on the first of the
2113 month following the date of service and the first of each month thereafter. A modified administrative
2114 support order shall be effective the date that notice of the review is served on the nonrequesting party,
2115 and the first monthly payment shall be due on the first day of the month following the date of such
2116 service and on the first day of each month thereafter. In addition, an amount shall be assessed for the
2117 partial month between the effective date of the order and the date that the first monthly payment is due.
2118 The assessment for the initial partial month shall be prorated from the effective date through the end of
2119 that month, based on the current monthly obligation. All payments are to be credited to current support
2120 obligations first, with any payment in excess of the current obligation applied to arrearages, if any;

2121 2. A statement of the name, date of birth, and last four digits of the social security number of the
2122 child or children for whom support is being sought;

2123 3. A statement that support shall continue to be paid for any child over the age of 18 who is (i) a
2124 full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or
2125 receiving child support, until such child reaches the age of 19 or graduates from high school, whichever
2126 comes first;

2127 4. A demand for immediate payment of the support debt or obligation or, in the alternative, a
2128 demand that the debtor file an answer with the Commissioner within 10 days of the date of service of
2129 the notice stating his defenses to liability;

2130 5. If known, the full name, date of birth, and last four digits of the social security number of each
2131 parent of the child; however, when a protective order has been issued or the Department otherwise finds
2132 reason to believe that a party is at risk of physical or emotional harm from the other party, only the
2133 name of the party at risk shall be included in the order;

2134 6. A statement that if no answer is made on or before 10 days from the date of service of the notice,
2135 the administrative support order shall be final and enforceable, and the support debt shall be assessed
2136 and determined subject to computation, and is subject to collection action;

2137 7. A statement that the debtor may be subject to mandatory withholding of income, the interception
2138 of state or federal tax refunds, interception of payments due to the debtor from the Commonwealth,
2139 notification of arrearage information to consumer reporting agencies, passport denial or suspension, or
2140 incarceration and that the debtor's property will be subject to lien and foreclosure, distraint, seizure and
2141 sale, an order to withhold and deliver, or withholding of income;

2142 8. A statement that the parents shall keep the Department informed regarding access to health
2143 insurance coverage and health insurance policy information and a statement that health care coverage
2144 shall be required for the parents' dependent children if available at reasonable cost as defined in
2145 § 63.2-1900, or pursuant to subsection A of § 63.2-1903. If a child is enrolled in Department-sponsored
2146 health care coverage, the Department shall collect the cost of the coverage pursuant to subsection E of
2147 § 20-108.2;

2148 9. A statement of each party's right to appeal and the procedures applicable to appeals from the
2149 decision of the Commissioner;

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2150 10. A statement that the obligor's income shall be immediately withheld to comply with this order
2151 unless the obligee, or the Department, if the obligee is receiving public assistance, and obligor agree to
2152 an alternative arrangement;

2153 11. A statement that any determination of a support obligation under this section creates a judgment
2154 by operation of law and as such is entitled to full faith and credit in any other state or jurisdiction;

2155 12. A statement that each party shall give the Department written notice of any change in his
2156 address, including email address, or phone number, including cell phone number, within 30 days;

2157 13. A statement that each party shall keep the Department informed of the name, telephone number
2158 and address of his current employer;

2159 14. A statement that if any arrearages for child support, including interest or fees, exist at the time
2160 the youngest child included in the order emancipates, payments shall continue in the total amount due
2161 (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages
2162 are paid;

2163 15. A statement that a petition may be filed for suspension of any license, certificate, registration, or
2164 other authorization to engage in a profession, trade, business, occupation, or recreational activity issued
2165 by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90
2166 days or more or in amount of \$5,000 or more. The order shall indicate whether either or both parents
2167 currently hold such an authorization and, if so, the type of authorization held;

2168 16. A statement that the Department of Motor Vehicles may suspend or refuse to renew the ~~driver's~~
2169 ~~license~~ *driving privileges* of any person upon receipt of notice from the Department of Social Services
2170 that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000
2171 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child
2172 support proceedings; and

2173 17. A statement that on and after July 1, 1994, the Department of Social Services, as provided in
2174 § 63.2-1921 and in accordance with § 20-108.2, may initiate a review of the amount of support ordered
2175 by any court.

2176 If no answer is received by the Commissioner within 10 days of the date of service or acceptance,
2177 the administrative support order shall be effective as provided in the notice. The Commissioner may
2178 initiate collection procedures pursuant to this chapter, Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 or
2179 Title 20. The debtor and the obligee have 10 days from the date of receipt of the notice to file an
2180 answer with the Commissioner to exercise the right to an administrative hearing.

2181 Any changes in the amount of the administrative order must be made pursuant to this section. In no
2182 event shall an administrative hearing alter or amend the amount or terms of any court order for support
2183 or decree of divorce ordering support. No administrative support order may be retroactively modified,
2184 but may be modified from the date that notice of the review has been served on the nonrequesting party.
2185 Notice of each review shall be served on the nonrequesting party (1) in accordance with the provisions
2186 of § 8.01-296, 8.01-327, or 8.01-329, (2) by certified mail, return receipt requested, (3) by electronic
2187 means, or (4) by the nonrequesting party executing a waiver. The existence of an administrative order
2188 shall not preclude either an obligor or obligee from commencing appropriate proceedings in a juvenile
2189 and domestic relations district court or a circuit court.

2190 **§ 63.2-1941. Additional enforcement remedies.**

2191 In addition to its other enforcement remedies, the Division of Child Support Enforcement is
2192 authorized to:

2193 1. Attach unemployment benefits through the Virginia Employment Commission pursuant to
2194 § 60.2-608 and workers' compensation benefits through the Workers' Compensation Commission
2195 pursuant to § 65.2-531; and

2196 2. Suspend an individual's ~~driver's license~~ *driving privileges* pursuant to § 46.2-320.1.

2197 **2. That the provisions of this act shall become effective on January 1, 2019.**

2198 **3. That no later than December 1, 2019, the Commissioner of the Department of Motor Vehicles**
2199 **shall report to the Chairmen of the House and Senate Transportation Committees regarding its**
2200 **progress in implementing the provisions of this act.**

2201 **4. That the provisions of this act may result in a net increase in periods of imprisonment or**
2202 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
2203 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
2204 **836 of the Acts of Assembly of 2017 requires the Virginia Criminal Sentencing Commission to**
2205 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
2206 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
2207 **Department of Juvenile Justice.**