

20100564D

**SENATE BILL NO. 34**

Offered January 8, 2020

Prefiled November 18, 2019

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 46.2-328.3, relating to driver privilege cards; penalty.*

Patrons—Surovell, Boysko, Ebbin, McClellan and Morrissey; Delegate: Kory

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 46.2-328.3 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.

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59 6. Information furnished by a member of the General Assembly to a meeting of a standing  
60 committee, special committee, or subcommittee of his house established solely for the purpose of  
61 reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of  
62 formulating advisory opinions to members on standards of conduct, or both.

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

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

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

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

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

93 12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local  
94 retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a  
95 trust established by one or more local public bodies to invest funds for post-retirement benefits other  
96 than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the  
97 board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of  
98 visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the  
99 Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or  
100 disposition of a security or other ownership interest in an entity, where such security or ownership  
101 interest is not traded on a governmentally regulated securities exchange, if disclosure of such  
102 information would (i) reveal confidential analyses prepared for the board of visitors of the University of  
103 Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared  
104 by the retirement system, a local finance board or board of trustees, or the Virginia College Savings  
105 Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia  
106 College Savings Plan under a promise of confidentiality of the future value of such ownership interest or  
107 the future financial performance of the entity and (ii) have an adverse effect on the value of the  
108 investment to be acquired, held, or disposed of by the retirement system, a local finance board or board  
109 of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of  
110 William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be  
111 construed to prevent the disclosure of information relating to the identity of any investment held, the  
112 amount invested, or the present value of such investment.

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

116 14. Information held by the Virginia Commonwealth University Health System Authority pertaining  
117 to any of the following: an individual's qualifications for or continued membership on its medical or  
118 teaching staffs; proprietary information gathered by or in the possession of the Authority from third  
119 parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in  
120 awarding contracts for construction or the purchase of goods or services; information of a proprietary

nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

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

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

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

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

19. (Effective until October 1, 2019) Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

19. (Effective October 1, 2019) Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

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

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

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable

182 communications device information, or operating schedules of individuals or agencies, where the release  
183 of such information would compromise the security of the Statewide Alert Network or individuals  
184 participating in the Statewide Alert Network.

185 23. Information held by the Judicial Inquiry and Review Commission made confidential by  
186 § 17.1-913.

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

190 a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings  
191 Plan on the pursuit of particular investment strategies, or the selection or termination of investment  
192 managers, prior to the execution of such investment strategies or the selection or termination of such  
193 managers, if disclosure of such information would have an adverse impact on the financial interest of  
194 the retirement system or the Virginia College Savings Plan; and

195 b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings  
196 Plan if disclosure of such records would have an adverse impact on the financial interest of the  
197 retirement system or the Virginia College Savings Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

239 32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are  
240 discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child  
241 abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual  
242 abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect,  
243 or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established

pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

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

34. (Effective January 1, 2020) Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

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

Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of this title, it shall be unlawful for any agency to disclose the social security number or other identification numbers appearing on a driver's license, license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to an agency for the purpose of paying fees, fines, taxes, or other charges collected by such agency. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

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

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

B. No person under the age of 21 years shall use or attempt to use any (i) altered, fictitious, facsimile or simulated license to operate a motor vehicle; (ii) altered, fictitious, facsimile or simulated document, including, but not limited to a birth certificate or student identification card; or (iii) motor vehicle operator's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, birth certificate or student identification card of another person in order to establish a false identification or false age for himself to consume, purchase or attempt to consume or purchase an alcoholic beverage.

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

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

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

F. When any adult who has not previously been convicted of underaged consumption, purchase or possession of alcoholic beverages in Virginia or any other state or the United States is before the court, the court may, upon entry of a plea of guilty or not guilty, if the facts found by the court would justify a finding of guilt of a violation of subsection A, without entering a judgment of guilt and with the consent of the accused, defer further proceedings and place him on probation subject to appropriate conditions. Such conditions may include the imposition of the license suspension and restricted license provisions in subsection C. However, in all such deferred proceedings, the court shall require the accused to enter a treatment or education program or both, if available, that in the opinion of the court best suits the needs of the accused. If the accused is placed on local community-based probation, the program or services shall be located in any of the judicial districts served by the local community-based probation services agency or in any judicial district ordered by the court when the placement is with an alcohol safety action program. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, (ii) certified by the Commission on VASAP, or (iii) by a program or services made available through a community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been established for the locality. When an offender is ordered to a local community-based probation services rather than the alcohol safety action program, the local community-based probation services agency shall be responsible for providing for services or referring the offender to education or treatment services as a condition of probation.

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

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

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

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

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

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

B. For the statutory agent appointed pursuant to § 64.2-1426, the address for the mailing of process as required by § 8.01-312 shall be the address of the fiduciary's statutory agent as contained in the written consent most recently filed with the clerk of the circuit court wherein the qualification of such fiduciary was had or, in the event of the death, removal, resignation or absence from the Commonwealth

of such statutory agent, or in the event that such statutory agent cannot with due diligence be found at such address, the address of the clerk of such circuit court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) in other cases:

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

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

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

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

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

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

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

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

(f) Name of decedent. The name of the decedent indicated on the order appointing the personal

428 representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as  
429 the "name of the decedent" under subsection (a)(2).

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

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

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

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

438 **§ 12.1-19. Duties of clerk; records; copies; personal identifiable information; records related to**  
439 **the administrative activities of the Commission; unauthorized filings.**

440 A. The clerk of the Commission shall:

441 1. Keep a record of all the proceedings, orders, findings, and judgments of the public sessions of the  
442 Commission, and the minutes of the proceedings of each day's public session shall be read and approved  
443 by the Commission and signed by its chairman, or acting chairman;

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

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

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

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

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

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

473 B. A person who prepares or submits to the office of the clerk of the Commission a document or  
474 any information for filing with the Commission pursuant to Title 8.9A, Title 13.1, or Title 50 is  
475 responsible for ensuring that the document or information does not contain any personal identifiable  
476 information, unless such information is otherwise publicly available or is required or authorized by law  
477 to be included in the document or information provided. For purposes of this subsection, "personal  
478 identifiable information" means (i) a social security number or any other numbers appearing on driver's  
479 licenses *or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable*  
480 *law of another jurisdiction*; (ii) information on credit cards, debit cards, bank accounts, or other  
481 electronic billing and payment systems; (iii) a date of birth identified with a particular individual; (iv)  
482 the maiden name of an individual's parent; or (v) any financial account number. Any person who  
483 prepares or submits to the office of the clerk a document for filing that contains personal identifiable  
484 information shall be deemed to have authorized the clerk or any member of the clerk's staff to remove,  
485 delete, or obliterate, without prior notice, such information prior or subsequent to recording or filing the  
486 document in the office of the clerk. Nothing in this subsection shall be deemed to require the clerk to  
487 alter any document submitted for filing. The clerk may refuse to accept for filing any document that  
488 includes personal identifiable information and return it for modification or explanation. The Commission,  
489 its members, the clerk of the Commission, and any member of the clerk's staff are immune from



liability in any proceeding arising from any acts or omissions in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under statutory or common law.

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

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

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

4. The Commission shall respond within five business days of receiving requests for administrative records. If it is impracticable to provide the records requested within such time period, the Commission shall notify the requester that an additional seven business days will be required, unless due to the scope of the records requested or length of search necessary to locate them the Commission requires additional time, which shall not be unreasonable in length. When any such requested records are not provided, the Commission shall notify the requester of the basis of the denial.

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

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

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

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

Such infractions shall not include:

1. Indictable offenses;
2. [Repealed.]

3. Operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug, or permitting another person, who is under the influence of intoxicating liquor or a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his custody or control;

4. Reckless driving;

5. Leaving the scene of an accident;

6. Driving while under suspension or revocation of ~~driver's license~~ *driving privileges*;

7. Driving without being licensed to drive.

8. [Repealed.]

B. An appearance may be made in person or in writing by mail to a clerk of court or in person

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

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

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

**§ 16.1-228. (Effective until October 1, 2019) Definitions.**

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

"Abused or neglected child" means any child:

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

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

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

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

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

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

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

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

"Adoptive home" means the place of residence of any natural person in which a child resides as a

member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

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

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

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

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

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

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

"Child in need of supervision" means:

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

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

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

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

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

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

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

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

674 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the  
675 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same  
676 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,  
677 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in  
678 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,  
679 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)  
680 any individual who has a child in common with the person, whether or not the person and that  
681 individual have been married or have resided together at any time, or (vi) any individual who cohabits  
682 or who, within the previous 12 months, cohabited with the person, and any children of either of them  
683 then residing in the same home with the person.

684 "Fictive kin" means persons who are not related to a child by blood or adoption but have an  
685 established relationship with the child or his family.

686 "Foster care services" means the provision of a full range of casework, treatment and community  
687 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or  
688 in need of services as defined in this section and his family when the child (i) has been identified as  
689 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through  
690 an agreement between the local board of social services or a public agency designated by the  
691 community policy and management team and the parents or guardians where legal custody remains with  
692 the parents or guardians, (iii) has been committed or entrusted to a local board of social services or  
693 child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board  
694 pursuant to § 16.1-293.

695 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in  
696 the custody of a local board or licensed child-placing agency by the local board or licensed child-placing  
697 agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was  
698 committed to the Department of Juvenile Justice immediately prior to placement by the Department of  
699 Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute  
700 parental supervision.

701 "Independent living services" means services and activities provided to a child in foster care 14 years  
702 of age or older and who has been committed or entrusted to a local board of social services, child  
703 welfare agency, or private child-placing agency. "Independent living services" may also mean services  
704 and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet  
705 reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his  
706 commitment to the Department of Juvenile Justice, was in the custody of a local board of social  
707 services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was  
708 committed to the Department of Juvenile Justice immediately prior to placement in an independent  
709 living arrangement. Such services shall include counseling, education, housing, employment, and money  
710 management skills development and access to essential documents and other appropriate services to help  
711 children or persons prepare for self-sufficiency.

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

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

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

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

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

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

734 "Qualified individual" means a trained professional or licensed clinician who is not an employee of  
735 the local board of social services or licensed child-placing agency that placed the child in a qualified

residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

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

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

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

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

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

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

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

#### **§ 16.1-228. (Effective October 1, 2019) Definitions.**

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

"Abused or neglected child" means any child:

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

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

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

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

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or

797 physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco  
798 parentis;

799 6. Whose parents or other person responsible for his care creates a substantial risk of physical or  
800 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as  
801 defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who  
802 the parent or other person responsible for his care knows has been convicted of an offense against a  
803 minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

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

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

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

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

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

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

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

824 "Child in need of services" means (i) a child whose behavior, conduct or condition presents or results  
825 in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14  
826 whose behavior, conduct or condition presents or results in a serious threat to the well-being and  
827 physical safety of another person; however, no child who in good faith is under treatment solely by  
828 spiritual means through prayer in accordance with the tenets and practices of a recognized church or  
829 religious denomination shall for that reason alone be considered to be a child in need of services, nor  
830 shall any child who habitually remains away from or habitually deserts or abandons his family as a  
831 result of what the court or the local child protective services unit determines to be incidents of physical,  
832 emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

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

838 "Child in need of supervision" means:

839 1. A child who, while subject to compulsory school attendance, is habitually and without justification  
840 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of  
841 any and all educational services and programs that are required to be provided by law and which meet  
842 the child's particular educational needs, (ii) the school system from which the child is absent or other  
843 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,  
844 and (iii) the school system has provided documentation that it has complied with the provisions of  
845 § 22.1-258; or

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

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

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

857 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an  
858 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of

§ 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

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

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

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

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

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

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

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

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding

cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

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

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

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

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

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

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

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

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

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

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

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

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



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

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

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

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

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

E. This section shall not apply to the following:

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

2. Postings related to legitimate law-enforcement purposes;

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

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

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

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

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

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

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

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

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

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

As used in this title:

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

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

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

1043 The words "motor vehicle," "semitrailer," "trailer" and "vehicle" shall have the respective meanings  
 1044 assigned to them by § 46.2-100.

1045 **§ 18.2-268.1. Chemical testing to determine alcohol or drug content of blood; definitions.**

1046 As used in §§ 18.2-268.2 through 18.2-268.12, unless the context clearly indicates otherwise:

1047 The phrase "alcohol or drug" means alcohol, a drug or drugs, or any combination of alcohol and a  
 1048 drug or drugs.

1049 The phrase "blood or breath" means either or both.

1050 "Chief police officer" means the sheriff in any county not having a chief of police, the chief of  
 1051 police of any county having a chief of police, the chief of police of the city, or the sergeant or chief of  
 1052 police of the town in which the charge will be heard, or their authorized representatives.

1053 "Department" means the Department of Forensic Science.

1054 "Director" means the Director of the Department of Forensic Science.

1055 "License" means any driver's license, ~~temporary driver's license, or instruction permit authorizing the~~  
 1056 ~~operation of a motor vehicle upon the highways as defined in § 18.2-6.~~

1057 "Ordinance" means a county, city or town ordinance.

1058 **§ 19.2-258.1. Trial of traffic infractions; measure of proof; failure to appear.**

1059 For any traffic infraction cases tried in a district court, the court shall hear and determine the case  
 1060 without the intervention of a jury. For any traffic infraction case appealed to a circuit court, the  
 1061 defendant shall have the right to trial by jury. The defendant shall be presumed innocent until proven  
 1062 guilty beyond a reasonable doubt.

1063 When a person charged with a traffic infraction fails to enter a written or court appearance, he shall  
 1064 be deemed to have waived court hearing and the case may be heard in his absence, after which he shall  
 1065 be notified of the court's finding. He shall be advised that if he fails to comply with any order of the  
 1066 court therein, the court may order suspension of his ~~driver's license~~ *driving privileges* as provided in  
 1067 § 46.2-395 but the court shall not issue a warrant for his failure to appear pursuant to § 46.2-938.

1068 **§ 20-60.3. Contents of support orders.**

1069 All orders directing the payment of spousal support where there are minor children whom the parties  
 1070 have a mutual duty to support and all orders directing the payment of child support, including those  
 1071 orders confirming separation agreements, entered on or after October 1, 1985, whether they are original  
 1072 orders or modifications of existing orders, shall contain the following:

1073 1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or  
 1074 § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to  
 1075 file an application for services with the Department of Social Services; however, absence of such notice  
 1076 in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to  
 1077 § 20-79.1;

1078 2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of  
 1079 Title 63.2 without further amendments to the order upon application for services with the Department of  
 1080 Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar  
 1081 withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

1082 3. The name, date of birth, and last four digits of the social security number of each child to whom a  
 1083 duty of support is then owed by the parent;

1084 4. If known, the name, date of birth, and last four digits of the social security number of each parent  
 1085 of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address,  
 1086 residential and employer telephone number, ~~driver's license~~ *and number appearing on a driver's license*  
 1087 *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of*  
 1088 *another jurisdiction*, and the name and address of ~~his or her~~ *each parent's* employer; however, when a  
 1089 protective order has been issued or the court otherwise finds reason to believe that a party is at risk of  
 1090 physical or emotional harm from the other party, information other than the name of the party at risk  
 1091 shall not be included in the order;

1092 5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of  
 1093 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the  
 1094 party seeking or receiving child support until such child reaches the age of 19 or graduates from high  
 1095 school, whichever occurs first, and that the court may also order that support be paid or continue to be  
 1096 paid for any child over the age of 18 who is (a) severely and permanently mentally or physically  
 1097 disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the  
 1098 child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support  
 1099 himself; and (c) residing in the home of the parent seeking or receiving child support;

1100 6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license,  
 1101 certificate, registration or other authorization to engage in a profession, trade, business, occupation, or  
 1102 recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a  
 1103 delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall  
 1104 indicate whether either or both parents currently hold such an authorization and, if so, the type of

authorization held;

7. The monthly amount of support and the effective date of the order. In proceedings on initial petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the effective date may be the date of notice to the responding party. The first monthly payment shall be due on the first day of the month following the hearing date and on the first day of each month thereafter. In addition, an amount shall be assessed for any full and partial months between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation;

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a

1166 decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of  
1167 matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate  
1168 maintenance, the court may make such further decree as it shall deem expedient concerning the  
1169 maintenance and support of the spouses, notwithstanding a party's failure to prove his grounds for  
1170 divorce, provided that a claim for support has been properly pled by the party seeking support.  
1171 However, the court shall have no authority to decree maintenance and support payable by the estate of a  
1172 deceased spouse.

1173 B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent  
1174 maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground  
1175 of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an  
1176 award notwithstanding the existence of such ground if the court determines from clear and convincing  
1177 evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the  
1178 respective degrees of fault during the marriage and the relative economic circumstances of the parties.

1179 C. The court, in its discretion, may decree that maintenance and support of a spouse be made in  
1180 periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a  
1181 lump sum award, or in any combination thereof.

1182 D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of  
1183 a party to receive support in the future. In any case in which the right to support is so reserved, there  
1184 shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of  
1185 the length of time between the date of the marriage and the date of separation. Once granted, the  
1186 duration of such a reservation shall not be subject to modification.

1187 E. The court, in determining whether to award support and maintenance for a spouse, shall consider  
1188 the circumstances and factors which contributed to the dissolution of the marriage, specifically including  
1189 adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or  
1190 § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court  
1191 shall consider the following:

1192 1. The obligations, needs and financial resources of the parties, including but not limited to income  
1193 from all pension, profit sharing or retirement plans, of whatever nature;

1194 2. The standard of living established during the marriage;

1195 3. The duration of the marriage;

1196 4. The age and physical and mental condition of the parties and any special circumstances of the  
1197 family;

1198 5. The extent to which the age, physical or mental condition or special circumstances of any child of  
1199 the parties would make it appropriate that a party not seek employment outside of the home;

1200 6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;

1201 7. The property interests of the parties, both real and personal, tangible and intangible;

1202 8. The provisions made with regard to the marital property under § 20-107.3;

1203 9. The earning capacity, including the skills, education and training of the parties and the present  
1204 employment opportunities for persons possessing such earning capacity;

1205 10. The opportunity for, ability of, and the time and costs involved for a party to acquire the  
1206 appropriate education, training and employment to obtain the skills needed to enhance his or her earning  
1207 ability;

1208 11. The decisions regarding employment, career, economics, education and parenting arrangements  
1209 made by the parties during the marriage and their effect on present and future earning potential,  
1210 including the length of time one or both of the parties have been absent from the job market;

1211 12. The extent to which either party has contributed to the attainment of education, training, career  
1212 position or profession of the other party; and

1213 13. Such other factors, including the tax consequences to each party and the circumstances and  
1214 factors that contributed to the dissolution, specifically including any ground for divorce, as are necessary  
1215 to consider the equities between the parties.

1216 F. In contested cases in the circuit courts, any order granting, reserving or denying a request for  
1217 spousal support shall be accompanied by written findings and conclusions of the court identifying the  
1218 factors in subsection E which support the court's order. Any order granting or reserving any request for  
1219 spousal support shall state whether the retirement of either party was contemplated by the court and  
1220 specifically considered by the court in making its award, and, if so, the order shall state the facts the  
1221 court contemplated and specifically considered as to the retirement of the party. If the court awards  
1222 periodic support for a defined duration, such findings shall identify the basis for the nature, amount and  
1223 duration of the award and, if appropriate, a specification of the events and circumstances reasonably  
1224 contemplated by the court which support the award.

1225 G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which  
1226 the parties are physically separated and at least one party intends such separation to be permanent  
1227 provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a

specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event or condition other than death or termination pursuant to § 20-110.

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

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

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

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

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

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

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

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

A. The Board of Education shall establish for the public school system a standardized program of driver education in the safe operation of motor vehicles. Such program shall consist of classroom training and behind-the-wheel driver training. However, any student who participates in such a program of driver education shall meet the academic requirements established by the Board, and no student in a course shall be permitted to operate a motor vehicle without a license or ~~permit to do so~~ *other document issued by the Department of Motor Vehicles under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction authorizing the operation of a motor vehicle upon the highways*.

1. The driver education program shall include (i) instruction concerning (a) alcohol and drug abuse; (b) aggressive driving; (c) distracted driving; (d) motorcycle awareness; (e) organ and tissue donor awareness; (f) fuel-efficient driving practices; and (g) traffic stops, including law-enforcement procedures for traffic stops, appropriate actions to be taken by drivers during traffic stops, and appropriate interactions with law-enforcement officers who initiate traffic stops, and (ii) in Planning District 8, an additional minimum 90-minute parent/student driver education component. The additional parent/student driver education component may be provided to students outside Planning District 8, at the discretion of each local school board.

2. The parent/student driver education component shall be administered as part of the classroom portion of the driver education curriculum. In Planning District 8, the parent/student driver education component shall be administered in-person. Outside Planning District 8, the parent/student driver education component may be administered either in-person or online by a public school or driver training schools that are licensed as computer-based driver education providers. For students in Planning District 8 and those students in school divisions that offer the parent/student component, the participation of the student's parent or guardian shall be required, and the program shall emphasize (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving restrictions pursuant to the Code of Virginia, and (iii) the dangers of driving while intoxicated and underage consumption of alcohol. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety Action Program, the Department of Health, and the Department of Behavioral Health and Developmental Services, as appropriate. Nothing in this subdivision precludes any school division outside Planning District 8 from including a program of parental involvement as part of a driver education program in addition to or as an alternative to the minimum 90-minute parent/student driver education component.

3. Any driver education program shall require a minimum number of miles driven during the behind-the-wheel driver training.

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

1289 and duties of motor vehicle operators.

1290 C. Each school board shall determine whether to offer the program of driver education in the safe  
1291 operation of motor vehicles and, if offered, whether such program shall be an elective or a required  
1292 course. In addition to the fee approved by the Board of Education pursuant to the appropriation act that  
1293 allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of  
1294 Education may authorize a local school board's request to assess a surcharge in order to further recover  
1295 program costs that exceed state funds distributed through basic aid to school divisions offering driver  
1296 education programs. Each school board may waive the fee or the surcharge in total or in part for those  
1297 students it determines cannot pay the fee or surcharge. Only school divisions complying with the  
1298 standardized program and regulations established by the Board of Education and the provisions of  
1299 § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver  
1300 education.

1301 School boards in Planning District 8 shall make the 90-minute parent/student driver education  
1302 component available to all students and their parents or guardians who are in compliance with  
1303 § 22.1-254.

1304 D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be  
1305 required by regulation of the Board of Education, on private or public property removed from public  
1306 highways if practicable; if impracticable, then, at the request of the school board, the Commissioner of  
1307 Highways shall designate a suitable section of road near the school to be used for such instruction. Such  
1308 section of road shall be marked with signs, which the Commissioner of Highways shall supply, giving  
1309 notice of its use for driving instruction. Such signs shall be removed at the close of the instruction  
1310 period. No vehicle other than those used for driver training shall be operated between such signs at a  
1311 speed in excess of 25 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

1312 E. The Board of Education may, in its discretion, promulgate regulations for the use and certification  
1313 of paraprofessionals as teaching assistants in the driver education programs of school divisions.

1314 F. The Board of Education shall approve correspondence courses for the classroom training  
1315 component of driver education. These correspondence courses shall be consistent in quality with  
1316 instructional programs developed by the Board for classroom training in the public schools. Students  
1317 completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel  
1318 driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of  
1319 the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii)  
1320 from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a  
1321 home schooling parent or guardian instructing his own child who meets the requirements for home  
1322 school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training  
1323 course approved by the Board. Nothing herein shall be construed to require any school division to  
1324 provide behind-the-wheel driver training to nonpublic school students.

1325 **§ 24.2-410.1. Citizenship status; Department of Motor Vehicles to furnish lists of noncitizens.**

1326 A. The Department of Motor Vehicles shall include on the application for a ~~driver's license,~~  
1327 ~~commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit,~~  
1328 ~~special identification card any document,~~ or renewal thereof, issued pursuant to the provisions of Chapter  
1329 3 (§ 46.2-300 et seq.) of Title 46.2, as a predicate to offering a voter registration application pursuant to  
1330 § 24.2-411.1, a statement asking the applicant if he is a United States citizen. If the applicant indicates a  
1331 noncitizen status, the Department of Motor Vehicles shall not offer that applicant the opportunity to  
1332 apply for voter registration. If the applicant indicates that he is a United States citizen and that he  
1333 wishes to register to vote or change his voter registration address, the statement that he is a United  
1334 States citizen shall become part of the voter registration application offered to the applicant. Information  
1335 on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the  
1336 provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

1337 B. Additionally, the Department of Motor Vehicles shall furnish monthly to the Department of  
1338 Elections a complete list of all persons who have indicated a noncitizen status to the Department of  
1339 Motor Vehicles in obtaining a ~~driver's license, commercial driver's license, temporary driver's permit,~~  
1340 ~~learner's permit, motorcycle learner's permit, special identification card any document,~~ or renewal  
1341 thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The  
1342 Department of Elections shall transmit the information from the list to the appropriate general registrars.  
1343 Information in the lists shall be confidential and available only for official use by the Department of  
1344 Elections and general registrars.

1345 C. For the purposes of this section, the Department of Motor Vehicles is not responsible for  
1346 verifying the claim of any applicant who indicates United States citizen status when applying for a  
1347 ~~driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle~~  
1348 ~~learner's permit, special identification card any document,~~ or renewal thereof, issued pursuant to the  
1349 provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

1350 **§ 24.2-411.1. Offices of the Department of Motor Vehicles.**

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

1. Apply for, replace, or renew a driver's license *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3;* or

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

3. Change an address on an existing driver's license or ~~special identification card~~ *other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3.*

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

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

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

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

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

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

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

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

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

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

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

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

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

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

1412 4. Attest to the truth of the information provided;

1413 5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act

1414 (§ 59.1-479 et seq.); and

1415 6. Affirmatively authorize the Department of Elections and general registrar to use the applicant's

1416 signature obtained by the Department of Motor Vehicles for voter registration purposes.

1417 D. In order for an individual to complete a transaction under this article, the general registrar shall

1418 verify that the Department of Motor Vehicles customer identifier number, date of birth, and social

1419 security number provided by the applicant match the information contained in the Department of Motor

1420 Vehicles records.

1421 E. The Department of Motor Vehicles shall provide to the Department of Elections a digital copy of

1422 the applicant's signature on record with the Department of Motor Vehicles.

1423 F. The Department of Elections shall transmit to the general registrar an applicant's completed voter

1424 registration application and digital signature not later than five business days after the date of receipt.

1425 G. Each transaction taking place under this section shall be accompanied by the following statement

1426 featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A

1427 MATERIALLY FALSE STATEMENT DURING THIS TRANSACTION CONSTITUTES THE CRIME

1428 OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY.

1429 VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS

1430 IN JAIL AND/OR FINED UP TO \$2,500."

1431 H. The Department of Elections may use additional security measures approved by the State Board to

1432 ensure the accuracy and integrity of registration transactions performed under this article.

1433 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

1434 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers

1435 of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the

1436 voting booth and furnishing an official ballot to him.

1437 B. An officer of election shall ask the voter for his full name and current residence address and the

1438 voter may give such information orally or in writing. The officer of election shall repeat, in a voice

1439 audible to party and candidate representatives present, the full name and address provided by the voter.

1440 The officer shall ask the voter to present any one of the following forms of identification: his valid

1441 Virginia driver's license, his valid United States passport, or any other photo identification issued by the

1442 Commonwealth, one of its political subdivisions, or the United States, *other than a driver privilege card*

1443 *issued under § 46.2-328.3*; any valid student identification card containing a photograph of the voter

1444 and issued by any institution of higher education located in the Commonwealth or any private school

1445 located in the Commonwealth; or any valid employee identification card containing a photograph of the

1446 voter and issued by an employer of the voter in the ordinary course of the employer's business.

1447 Any voter who does not show one of the forms of identification specified in this subsection shall be

1448 offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall

1449 provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or

1450 electoral board other than matching submitted identification documents from the voter for the electoral

1451 board to make a determination on whether to count the ballot.

1452 If the voter presents one of the forms of identification listed above, if his name is found on the

1453 pollbook in a form identical to or substantially similar to the name on the presented form of

1454 identification and the name provided by the voter, if he is qualified to vote in the election, and if no

1455 objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next

1456 consecutive number from the voter count form provided by the State Board, or shall enter that the voter

1457 has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot;

1458 and another officer shall admit him to the voting booth. Each voter whose name has been marked on the

1459 pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of

1460 election in the polling place until he has voted. If a line of voters who have been marked on the

1461 pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to

1462 extend outside of the room containing the voting booths and shall remain under observation by the

1463 officers of election.

1464 A voter may be accompanied into the voting booth by his child age 15 or younger.

1465 C. If the current residence address provided by the voter is different from the address shown on the

1466 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the

1467 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties

1468 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an

1469 envelope provided for such forms for transmission to the general registrar who shall then transfer or

1470 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

1471 D. At the time the voter is asked his full name and current residence address, the officer of election

1472 shall ask any voter for whom the pollbook indicates that an identification number other than a social

1473 security number is recorded on the Virginia voter registration system if he presently has a social security



number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

**§ 32.1-291.2. Definitions.**

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

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

"Agent" means an individual:

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

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

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

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

"Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual. The term does not include a person to whom an anatomical gift could pass under § 32.1-291.11.

"Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card, or donor registry.

"Donor" means an individual whose body or part is the subject of an anatomical gift.

"Donor registry" means a database that contains records of anatomical gifts.

"Driver's license" means a license or ~~permit~~ other document issued by the Virginia Department of Motor Vehicles to ~~operate~~ under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways, whether or not conditions are attached to the license or ~~permit~~ other document.

"Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes and that is a member of the Virginia Transplant Council, accredited by the Eye Bank Association of America or the American Association of Tissue Banks and operating in the Commonwealth of Virginia.

"Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem, except when the guardian ad litem is authorized by a court to consent to donation.

"Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

"Identification card" means an identification card issued by the Virginia Department of Motor Vehicles under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

"Know" means to have actual knowledge.

"Minor" means an individual who is under 18 years of age.

"Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization that is also a member of the Virginia Transplant Council.

"Parent" means a parent whose parental rights have not been terminated.

"Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Physician" means an individual authorized to practice medicine or osteopathy under the law of any state.

"Procurement organization" means an eye bank, organ procurement organization, or tissue bank that is a member of the Virginia Transplant Council.

"Prospective donor" means an individual who is dead or whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. The term does not include an individual who has made a refusal.

1535 "Reasonably available" means able to be contacted by a procurement organization without undue  
1536 effort and willing and able to act in a timely manner consistent with existing medical criteria necessary  
1537 for the making of an anatomical gift.

1538 "Recipient" means an individual into whose body a decedent's part has been or is intended to be  
1539 transplanted.

1540 "Record" means information that is inscribed on a tangible medium or that is stored in an electronic  
1541 or other medium and is retrievable in perceivable form.

1542 "Refusal" means a record created under § 32.1-291.7 that expressly states an intent to bar other  
1543 persons from making an anatomical gift of an individual's body or part.

1544 "Sign" means, with the present intent to authenticate or adopt a record:

1545 1. To execute or adopt a tangible symbol; or

1546 2. To attach to or logically associate with the record an electronic symbol, sound, or process.

1547 "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States  
1548 Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

1549 "Technician" means an individual determined to be qualified to remove or process parts by an  
1550 appropriate organization that is licensed, accredited, or regulated under federal or state law. The term  
1551 includes an enucleator.

1552 "Tissue" means a portion of the human body other than an organ or an eye. The term does not  
1553 include blood unless the blood is donated for the purpose of research or education.

1554 "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to  
1555 engage in the recovery, screening, testing, processing, storage, or distribution of tissue and that is a  
1556 member of the Virginia Transplant Council, accredited by the American Association of Tissue Banks,  
1557 and operating in the Commonwealth of Virginia.

1558 "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical  
1559 specialty services required for the care of transplant patients.

1560 **§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

1561 A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the  
1562 following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth  
1563 without the payment of toll while in the performance of their official duties:

1564 1. The Commissioner of Highways;

1565 2. Members of the Commonwealth Transportation Board;

1566 3. Employees of the Department of Transportation;

1567 4. The Superintendent of the Department of State Police;

1568 5. Officers and employees of the Department of State Police;

1569 6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;

1570 7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control  
1571 Authority and special agents of the Virginia Alcoholic Beverage Control Authority;

1572 8. The Commissioner of the Department of Motor Vehicles;

1573 9. Employees of the Department of Motor Vehicles;

1574 10. Local police officers;

1575 11. Sheriffs and their deputies;

1576 12. Regional jail officials;

1577 13. Animal wardens;

1578 14. The Director and officers of the Department of Game and Inland Fisheries;

1579 15. Persons operating firefighting equipment and emergency medical services vehicles as defined in

1580 § 32.1-111.1;

1581 16. Operators of school buses being used to transport pupils to or from schools;

1582 17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the  
1583 driver, and used to regularly transport workers to and from their places of employment and (ii) public  
1584 transit buses;

1585 18. Employees of the Department of Rail and Public Transportation;

1586 19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation  
1587 Act of 1988; and

1588 20. Law-enforcement officers of the Virginia Marine Resources Commission.

1589 B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free  
1590 use of such facilities, in cases of emergency and circumstances of concern for public safety on the  
1591 highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual  
1592 or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of  
1593 the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1594 1. The assessment of the threat to public safety shall be performed and the decision temporarily to  
1595 suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

1596 2. Major incidents that may require the temporary suspension of toll collection operations shall

include (i) natural disasters, such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials, such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety. Any mandatory evacuation during a state of emergency as defined in § 44-146.16 shall require the temporary suspension of toll collection operations in affected evacuation zones on routes designated as mass evacuation routes. The Commissioner of Highways shall reinstate toll collection when the mandatory evacuation period ends.

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

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

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

1. The vehicle is specially equipped to permit its operation by a handicapped person;
2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair his ability to deposit coins in toll baskets;

3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and

4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of § 22.1-187.

F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

However, in the event of a mandatory evacuation and suspension of tolls pursuant to subdivision B 2, the Commissioner of Highways or his designee shall order the temporary suspension of toll collection operations on facilities of all operators authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) that has been designated as a mass evacuation route in affected evacuation zones, to the extent such order is necessary to facilitate evacuation and is consistent with the terms of the applicable comprehensive agreement between the operator and the Department. The Commissioner of Highways shall authorize the reinstatement of toll collections suspended pursuant to this subsection when the mandatory evacuation period ends or upon the reinstatement of toll collections on other tolled facilities in the same affected area, whichever occurs first.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of

subdivision B 1 of § 56-543, such vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

**§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle insurance policies; review by Commissioner.**

A. The following definitions shall apply to this section:

"Cancellation" or "to cancel" means a termination of a policy during the policy period.

"Insurer" means any insurance company, association, or exchange licensed to transact motor vehicle insurance in this Commonwealth.

"Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or property damage liability insurance issued or delivered in this Commonwealth covering liability arising from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one individual or husband and wife who are residents of the same household, and under which the insured vehicle designated in the policy is either:

a. A motor vehicle of a private passenger, station wagon, or motorcycle type that is not used commercially, rented to others, or used as a public or livery conveyance where the term "public or livery conveyance" does not include car pools, or

b. Any other four-wheel motor vehicle which is not used in the occupation, profession, or business, other than farming, of the insured, or as a public or livery conveyance, or rented to others. The term "policy of motor vehicle insurance" or "policy" does not include (i) any policy issued through the Virginia Automobile Insurance Plan, (ii) any policy covering the operation of a garage, sales agency, repair shop, service station, or public parking place, (iii) any policy providing insurance only on an excess basis, or (iv) any other contract providing insurance to the named insured even though the contract may incidentally provide insurance on motor vehicles.

"Renewal" or "to renew" means (i) the issuance and delivery by an insurer of a policy superseding at the end of the policy period a policy previously issued and delivered by the same insurer, providing types and limits of coverage at least equal to those contained in the policy being superseded, or (ii) the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term with types and limits of coverage at least equal to those contained in the policy. Each renewal shall conform with the requirements of the manual rules and rating program currently filed by the insurer with the Commission. Except as provided in subsection K, any policy with a policy period or term of less than 12 months or any policy with no fixed expiration date shall for the purpose of this section be considered as if written for successive policy periods or terms of six months from the original effective date.

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

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

a. Age;

b. Sex;

c. Residence;

d. Race;

e. Color;

f. Creed;

g. National origin;

h. Ancestry;

i. Marital status;

j. Lawful occupation, including the military service;

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

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

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

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

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

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

q. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused

either wholly or partially by the named insured, a resident of the same household, or other customary operator;

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

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

t. The status of the person as a foster care provider or a person in foster care.

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

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

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

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

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

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

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

2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed for the reason set forth in subdivision D 2 the effective date may be less than 45 days but at least 15 days from the date of mailing or delivery.

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

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

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

#### IMPORTANT NOTICE

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

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

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

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

F. Nothing in this section shall apply:

1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew

1781 by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has  
1782 manifested its willingness to renew in writing to the insured. The written manifestation shall include the  
1783 name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and  
1784 information regarding the estimated renewal premium. The insurer shall retain a copy of each written  
1785 manifestation for a period of at least one year from the expiration date of any policy that is not  
1786 renewed;

1787 2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent  
1788 orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy  
1789 to be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he  
1790 fails to accept the offer of the insurer to renew the policy;

1791 3. To any motor vehicle insurance policy which has been in effect less than 60 days when the  
1792 termination notice is mailed or delivered to the insured, unless it is a renewal policy; or

1793 4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than  
1794 would have been charged for the same exposures on the expiring policy. The affiliated insurer shall  
1795 manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at  
1796 least equal to those contained in the expiring policy unless the named insured has requested a change in  
1797 coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be  
1798 required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be  
1799 deemed to be a renewal policy.

1800 G. There shall be no liability on the part of and no cause of action of any nature shall arise against  
1801 the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its  
1802 employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal  
1803 to renew, for any statement made by any of them in complying with this section or for providing  
1804 information pertaining to the cancellation or refusal to renew. For the purposes of this section, no  
1805 insurer shall be required to furnish a notice of cancellation or refusal to renew to anyone other than the  
1806 named insured, any person designated by the named insured, or any other person to whom such notice  
1807 is required to be given by the terms of the policy and the Commissioner.

1808 H. Within 15 days of receipt of the notice of cancellation or refusal to renew, any insured or his  
1809 attorney shall be entitled to request in writing to the Commissioner that he review the action of the  
1810 insurer in canceling or refusing to renew the policy of the insured. Upon receipt of the request, the  
1811 Commissioner shall promptly begin a review to determine whether the insurer's cancellation or refusal to  
1812 renew complies with the requirements of this section and of § 38.2-2208 if the notice was sent by mail  
1813 or delivered electronically. The policy shall remain in full force and effect during the pendency of the  
1814 review by the Commissioner except where the cancellation or refusal to renew is for the reason set forth  
1815 in subdivision D 2, in which case the policy shall terminate as of the effective date stated in the notice.  
1816 Where the Commissioner finds from the review that the cancellation or refusal to renew has not  
1817 complied with the requirements of this section or of § 38.2-2208, he shall immediately notify the  
1818 insurer, the insured and any other person to whom such notice was required to be given by the terms of  
1819 the policy that the cancellation or refusal to renew is not effective. Nothing in this section authorizes the  
1820 Commissioner to substitute his judgment as to underwriting for that of the insurer. Where the  
1821 Commissioner finds in favor of the insured, the Commission in its discretion may award the insured  
1822 reasonable attorneys' fees.

1823 I. Each insurer shall maintain for at least one year, records of cancellation and refusal to renew and  
1824 copies of every notice or statement referred to in subsection E that it sends to any of its insureds.

1825 J. The provisions of this section shall not apply to any insurer that limits the issuance of policies of  
1826 motor vehicle liability insurance to one class or group of persons engaged in any one particular  
1827 profession, trade, occupation, or business. Nothing in this section requires an insurer to renew a policy  
1828 of motor vehicle insurance if the insured does not conform to the occupational or membership  
1829 requirements of an insurer who limits its writings to an occupation or membership of an organization.  
1830 No insurer is required to renew a policy if the insured becomes a nonresident of Virginia.

1831 K. Notwithstanding any other provision of this section, a motor vehicle insurance policy with a  
1832 policy period or term of five months or less may expire at its expiration date when the insurer has  
1833 manifested in writing its willingness to renew the policy for at least 30 days and has mailed or delivered  
1834 the written manifestation to the insured at least 15 days before the expiration date of the policy. The  
1835 written manifestation shall include the name of the proposed insurer, the expiration date of the policy,  
1836 the type of insurance coverage, and the estimated renewal premium. The insurer shall retain a copy of  
1837 the written manifestation for at least one year from the expiration date of any policy that is not renewed.

1838 **§ 46.2-328.1. Licenses, permits and special identification cards to be issued only to United States**  
1839 **citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas;**  
1840 **exceptions; renewal, duplication, or reissuance.**

1841 A. Notwithstanding any other provision of this title, except as provided in subsection G of  
1842 § 46.2-345, the Department shall not issue an original license, permit, or special identification card to

any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States.

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

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

D. The Department shall cancel any license, permit, or special identification card that it has issued to an individual if it is notified by a federal government agency that the individual is neither a citizen of the United States nor legally present in the United States.

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

#### **§ 46.2-328.3. Driver privilege cards and permits.**

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

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

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

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

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

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

5. The fee for an original driver privilege card or permit shall be \$100; however, the Department may issue, upon application by the holder of a valid, unexpired card or permit issued under this section,

1904 *and upon payment of a fee of \$50, another driver privilege card or permit that shall be valid for a*  
1905 *period of two years from the date of issuance.*

1906 **§ 46.2-330. Expiration and renewal of licenses; examinations required.**

1907 A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for  
1908 which a driver's license has been issued. At no time shall any driver's license be issued for more than  
1909 eight years or less than five years, unless otherwise provided by law. Thereafter the driver's license shall  
1910 be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight  
1911 years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall  
1912 be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner  
1913 may extend the validity period of an expiring license if (i) the Department is unable to process an  
1914 application for renewal due to circumstances beyond its control, (ii) the extension has been authorized  
1915 under a directive from the Governor, and (iii) the license was not issued as a ~~temporary~~ *limited-duration*  
1916 driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the  
1917 validity period be extended more than 90 days per occurrence of such conditions. In determining the  
1918 number of years for which a driver's license shall be renewed, the Commissioner shall take into  
1919 consideration the examinations, conditions, requirements, and other criteria provided under this title that  
1920 relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required  
1921 to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday  
1922 in years which the applicant attains an age equally divisible by five.

1923 B. Within one year prior to the date shown on the driver's license as the date of expiration, the  
1924 Department shall send notice, to the holder thereof, at the address shown on the records of the  
1925 Department in its driver's license file, that his license will expire on a date specified therein, whether he  
1926 must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the  
1927 period of validity of the driver's license beyond its expiration date. The license holder may request the  
1928 Department to send such renewal notice to an email or other electronic address, upon provision of such  
1929 address to the Department.

1930 Any driver's license may be renewed by application after the applicant has taken and successfully  
1931 completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia  
1932 Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the  
1933 parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person  
1934 for renewal of a license shall take and successfully complete the examination each renewal year. Every  
1935 applicant for a renewal shall appear in person before the Department, unless specifically notified by the  
1936 Department that renewal may be accomplished in another manner as provided in the notice. Applicants  
1937 who are required to appear in person before the Department to apply for a renewal may also be required  
1938 to present proof of identity, legal presence, residency, and social security number or non-work  
1939 authorized status.

1940 C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may  
1941 require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the  
1942 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less  
1943 than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of  
1944 a driver's license that is not a commercial driver's license and the requirement for the taking of the  
1945 written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial  
1946 Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision  
1947 examination for applicants for renewal of a commercial driver's license or of the knowledge test required  
1948 by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a  
1949 commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years  
1950 old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a  
1951 vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto  
1952 by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the  
1953 standards contained in § 46.2-311.

1954 D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent  
1955 on any examination of the applicant, shall appear in person before the Department to apply for renewal,  
1956 unless specifically notified by the Department that renewal may be accomplished in another manner as  
1957 provided in the notice.

1958 E. This section shall not modify the provisions of § 46.2-221.2.

1959 F. 1. The Department shall electronically transmit application information, including a photograph, to  
1960 the Department of State Police, in a format approved by the State Police, for comparison with  
1961 information contained in the Virginia Criminal Information Network and National Crime Information  
1962 Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license.  
1963 Whenever it appears from the records of the State Police that a person has failed to comply with the  
1964 duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall  
1965 promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant



or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered or in the jurisdiction where the person made application for licensure. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth, and his social security number as set out in § 9.1-903.

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

**§ 46.2-332. Fees.**

On and after January 1, 1990, the fee for each driver's license other than a commercial driver's license shall be \$2.40 per year. *This fee shall not apply to driver privilege cards or permits issued under § 46.2-328.3.* If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be \$6 per year. ~~Persons 21 years old or older may be issued a senior driver's license, learner's permit, or commercial driver's license for an additional fee of \$5.~~ For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

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

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

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

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

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

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

Excluding the \$2 reexamination fee, \$1.50 of all fees collected for each original or renewal driver's license, *other than a driver privilege cards issued under § 46.2-328.3*, shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

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

This section shall supersede conflicting provisions of this chapter.

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

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

2027 1. For the issuance of any driver's license other than a commercial driver's license, *or a driver*  
2028 *privilege card issued under § 46.2-328.3*, \$1.60 per year of validity of the license;

2029 2. For the issuance of any commercial driver's license, \$1 per year of validity of the license;

2030 3. For the reissuance or replacement of any driver's license, \$5; and

2031 4. For the reinstatement of any driver's license, \$15.

2032 All surcharges collected by the Department under this section shall be paid into the state treasury and  
2033 shall be set aside as a special fund to be used to support the operation and activities of the Department's  
2034 customer service centers.

2035 **§ 46.2-335. Learner's permits; fees; certification required.**

2036 A. The Department, on receiving from any Virginia resident over the age of 15 years and six months  
2037 an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's  
2038 satisfactory documentation of meeting the requirements of this chapter and successful completion of the  
2039 written or automated knowledge and vision examinations and, in the case of a motorcycle learner's  
2040 permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the  
2041 permit in his immediate possession, to drive a motor vehicle or, if the application is made for a  
2042 motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver  
2043 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother,  
2044 half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i)  
2045 alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle  
2046 instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii)  
2047 lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

2048 The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any  
2049 minor applicant required to provide evidence of compliance with the compulsory school attendance law  
2050 set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good  
2051 academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian,  
2052 having custody of such minor, provides written authorization for the minor to obtain a learner's permit  
2053 or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the  
2054 Department and indicating the Commonwealth's interest in the good academic standing and regular  
2055 school attendance of such minors. Any minor providing proper evidence of the solemnization of his  
2056 marriage or a certified copy of a court order of emancipation shall not be required to provide the  
2057 certification of good academic standing or any written authorization from his parent or guardian to  
2058 obtain a learner's permit or motorcycle learner's permit.

2059 Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is  
2060 issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance  
2061 of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12  
2062 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an  
2063 application, payment of the application fee, and successful completion of the examinations, be issued  
2064 another motorcycle learner's permit valid for 12 months.

2065 Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but  
2066 who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first  
2067 behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving  
2068 privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions  
2069 ordered by the court.

2070 B. No driver's license shall be issued to any such person who is less than 18 years old unless, while  
2071 holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were  
2072 after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or  
2073 otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall  
2074 contain the following statement:

2075 "It is illegal for anyone to give false information in connection with obtaining a driver's license. This  
2076 certification is considered part of the driver's license application, and anyone who certifies to a false  
2077 statement may be prosecuted. I certify that the statements made and the information submitted by me  
2078 regarding this certification are true and correct."

2079 Such form shall also include the driver's license or Department of Motor Vehicles-issued  
2080 identification card number of the person making the certification.

2081 C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one  
2082 passenger who is less than 21 years old, except when participating in a driver education program  
2083 approved by the Department of Education or a course offered by a driver training school licensed by the  
2084 Department. This passenger limitation, however, shall not apply to the members of the driver's family or  
2085 household as defined in subsection B of § 46.2-334.01.

2086 D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and  
2087 four o'clock a.m.

2088 E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a

learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether or not such device is handheld. No citation for a violation of this subsection shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

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

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

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

I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits, *other than permits issued under § 46.2-328.3*, shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It ~~shall be~~ *is* unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

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

K. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.
2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.
3. No person other than the operator shall occupy the motorcycle.

L. Any violation of this section ~~shall be~~ *is* punishable as a Class 2 misdemeanor.

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

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

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

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

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

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices

2150 shall not divulge any information acquired by him in the performance of his duties with respect to the  
2151 transactions, property, including personal property, income or business of any person, firm or  
2152 corporation. Such prohibition specifically includes any copy of a federal return or federal return  
2153 information required by Virginia law to be attached to or included in the Virginia return. This  
2154 prohibition shall apply to any reports, returns, financial documents or other information filed with the  
2155 Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2.  
2156 Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions  
2157 of this subsection shall not be applicable, however, to:

2158 1. Matters required by law to be entered on any public assessment roll or book;

2159 2. Acts performed or words spoken, published, or shared with another agency or subdivision of the  
2160 Commonwealth in the line of duty under state law;

2161 3. Inquiries and investigations to obtain information as to the process of real estate assessments by a  
2162 duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to  
2163 its study, provided that any such information obtained shall be privileged;

2164 4. The sales price, date of construction, physical dimensions or characteristics of real property, or any  
2165 information required for building permits;

2166 5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court  
2167 pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent  
2168 or by the commissioner of accounts making a settlement of accounts filed in such estate;

2169 6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when  
2170 requested by the General Assembly or any duly constituted committee of the General Assembly;

2171 7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the  
2172 provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the  
2173 Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow  
2174 fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the  
2175 Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two  
2176 calendar years or in any year in which the Attorney General receives Stamping Agent information that  
2177 potentially alters the required escrow deposit of the manufacturer. The information shall only be  
2178 provided in the following manner: the manufacturer may make a written request, on a quarterly or  
2179 yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the  
2180 amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who  
2181 reported stamping or selling its products and the amount reported. The Attorney General shall provide  
2182 the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the  
2183 reports the Stamping Agents filed with the Attorney General, it must first request them from the  
2184 Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the  
2185 reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the  
2186 Attorney General, including a copy of the prior written request to the Stamping Agent and any response  
2187 received, for copies of any reports not received. The Attorney General shall provide copies of the  
2188 reports within 45 days of receipt of the request.

2189 B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so  
2190 classified as to prevent the identification of particular reports or returns and the items thereof or the  
2191 publication of delinquent lists showing the names of taxpayers who are currently delinquent, together  
2192 with any relevant information which in the opinion of the Department may assist in the collection of  
2193 such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department,  
2194 upon request by the General Assembly or any duly constituted committee of the General Assembly,  
2195 shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers,  
2196 regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This  
2197 section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or  
2198 corporation is licensed to do business in that locality and divulging, upon written request, the name and  
2199 address of any person, firm or corporation transacting business under a fictitious name. Additionally,  
2200 notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon  
2201 written request stating the reason for such request, the Tax Commissioner with information obtained  
2202 from local tax returns and other information pertaining to the income, sales and property of any person,  
2203 firm or corporation licensed to do business in that locality.

2204 2. This section shall not prohibit the Department from disclosing whether a person, firm, or  
2205 corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or  
2206 whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding  
2207 any other provision of law, the Department is hereby authorized to make available the names and  
2208 certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

2209 3. This section shall not prohibit the Department from disclosing information to nongovernmental  
2210 entities with which the Department has entered into a contract to provide services that assist it in the  
2211 administration of refund processing or other services related to its administration of taxes.

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

5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town from disclosing information to nongovernmental entities with which the locality has entered into a contract to provide services that assist it in the administration of refund processing or other non-audit services related to its administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town shall not disclose information to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality and nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such obligations.

C. (Effective until October 1, 2019) Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of finance, or other similar collector of county, city, or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of income, filing status, number and type of dependents, and Forms W-2 and 1099 to facilitate the administration of public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the

2273 revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list  
2274 of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii)  
2275 provide to the Executive Director of the Northern Virginia Transportation Commission for his  
2276 confidential use such tax information as may be necessary to facilitate the collection of the motor  
2277 vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the  
2278 name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as  
2279 subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx)  
2280 provide to the developer or the economic development authority of a tourism project authorized by  
2281 § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap  
2282 financing; and (xxi) provide to the Virginia Retirement System and the Department of Human Resource  
2283 Management, after entering into a written agreement, such tax information as may be necessary to  
2284 facilitate the enforcement of subdivision C 4 of § 9.1-401. The Tax Commissioner is further authorized  
2285 to enter into written agreements with duly constituted tax officials of other states and of the United  
2286 States for the inspection of tax returns, the making of audits, and the exchange of information relating to  
2287 any tax administered by the Department of Taxation. Any person to whom tax information is divulged  
2288 pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he  
2289 were a tax official.

2290 C. (Effective October 1, 2019) Notwithstanding the provisions of subsection A or B or any other  
2291 provision of this title, the Tax Commissioner is authorized to (i) divulge tax information to any  
2292 commissioner of the revenue, director of finance, or other similar collector of county, city, or town taxes  
2293 who, for the performance of his official duties, requests the same in writing setting forth the reasons for  
2294 such request; (ii) provide to the Commissioner of the Department of Social Services, upon entering into  
2295 a written agreement, the amount of income, filing status, number and type of dependents, and Forms  
2296 W-2 and 1099 to facilitate the administration of public assistance or social services benefits as defined  
2297 in § 63.2-100 or child support services pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2; (iii)  
2298 provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of  
2299 Virginia, upon written request, the names and home addresses of those persons identified by the  
2300 designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide  
2301 current address information upon request to state agencies and institutions for their confidential use in  
2302 facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their  
2303 confidential use in facilitating the collection of fines, penalties, and costs imposed in a proceeding in  
2304 that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into  
2305 a written agreement, such tax information as may be necessary to facilitate the collection of  
2306 unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control  
2307 Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate  
2308 the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii)  
2309 provide to the Director of the Virginia Lottery such tax information as may be necessary to identify  
2310 those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury  
2311 for its confidential use such tax information as may be necessary to facilitate the location of owners and  
2312 holders of unclaimed property, as defined in § 55.1-2500; (ix) provide to the State Corporation  
2313 Commission, upon entering into a written agreement, such tax information as may be necessary to  
2314 facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive  
2315 Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax  
2316 information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi)  
2317 provide to the Commissioner of the Department of Agriculture and Consumer Services such tax  
2318 information as may be necessary to identify those applicants for registration as a supplier of charitable  
2319 gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the  
2320 Department of Housing and Community Development for its confidential use such tax information as  
2321 may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise  
2322 Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide  
2323 current name and address information to private collectors entering into a written agreement with the  
2324 Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its  
2325 political subdivisions; however, the Tax Commissioner is not authorized to provide such information to  
2326 a private collector who has used or disseminated in an unauthorized or prohibited manner any such  
2327 information previously provided to such collector; (xiv) provide current name and address information as  
2328 to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any  
2329 person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for  
2330 injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or  
2331 Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering  
2332 into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid  
2333 wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource  
2334 Management, upon entering into a written agreement, such tax information as may be necessary to

identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; and (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401; and (xxii) provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver's privilege card or permit under § 46.2-328.3 reported income and deductions from Virginia sources, as defined in § 58.1-302, on an individual income tax return filed with the Commonwealth within the preceding 12 months. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

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

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

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

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

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A

2396 confidential tax document is any correspondence, document, or tax return that is prohibited from being  
 2397 divulged by subsection A, B, C, or D and includes any document containing information on the  
 2398 transactions, property, income, or business of any person, firm, or corporation that is required to be filed  
 2399 with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document  
 2400 has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person  
 2401 violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

2402 **§ 59.1-442. Sale of purchaser information; notice required.**

2403 A. No merchant, without giving notice to the purchaser, shall sell to any third person information  
 2404 ~~which that~~ concerns the purchaser and ~~which that~~ is gathered in connection with the sale, rental, or  
 2405 exchange of tangible personal property to the purchaser at the merchant's place of business. Notice  
 2406 required by this section may be by the posting of a sign or any other reasonable method. If requested by  
 2407 a purchaser not to sell such information, the merchant shall not do so. No merchant shall sell any  
 2408 information gathered solely as the result of any customer payment by personal check, credit card, or  
 2409 where the merchant records the *number of the customer's driver's license number or other document*  
 2410 *issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction.*  
 2411 This subsection shall not be construed as authorizing a merchant to sell to a third person any  
 2412 information concerning a purchaser if the sale or dissemination of the information is prohibited pursuant  
 2413 to § 59.1-443.3.

2414 B. For the purposes of this section and § 59.1-443.3, "merchant" means any person or entity engaged  
 2415 in the sale of goods from a fixed retail location in Virginia.

2416 **§ 59.1-443.3. Scanning information from driver's license or identification card; retention, sale,**  
 2417 **or dissemination of information.**

2418 A. No merchant may scan the machine-readable zone of a *driver's license or other document issued*  
 2419 *by the Department of Motor Vehicles-issued identification card or driver's license under Chapter 3*  
 2420 *(§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction*, except for the following  
 2421 purposes:

2422 1. To verify authenticity of the ~~identification card or driver's license or other document~~ or to verify  
 2423 the identity of the individual if the individual pays for goods or services with a method other than cash,  
 2424 returns an item, or requests a refund or an exchange;

2425 2. To verify the individual's age when providing age-restricted goods or services to the individual if  
 2426 there is a reasonable doubt of the individual having reached 18 years of age or older;

2427 3. To prevent fraud or other criminal activity if the individual returns an item or requests a refund or  
 2428 an exchange and the merchant uses a fraud prevention service company or system. Information collected  
 2429 by scanning an individual's ~~identification card or driver's license or other document~~ pursuant to this  
 2430 subdivision shall be limited to the individual's name, address, *and date of birth; and the number of the*  
 2431 *driver's license number or identification card number other document*;

2432 4. To comply with a requirement imposed on the merchant by ~~state~~ *the laws of the Commonwealth*  
 2433 or federal law;

2434 5. To provide to a check services company regulated by the federal Fair Credit Reporting Act, (15  
 2435 U.S.C. § 1681 et seq.), that receives information obtained from an individual's ~~identification card or~~  
 2436 *driver's license or other document* to administer or enforce a transaction or to prevent fraud or other  
 2437 criminal activity; or

2438 6. To complete a transaction permitted under the *federal* Gramm-Leach-Bliley Act, (15 U.S.C. § 6801  
 2439 et seq.), or the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.).

2440 B. No merchant shall retain any information obtained from a scan of the machine-readable zone of  
 2441 an individual's ~~identification card or driver's license or other document~~ except as permitted in  
 2442 subdivision A 3, 4, 5, or 6.

2443 C. No merchant shall sell or disseminate to a third party any information obtained from a scan of the  
 2444 machine-readable zone of an individual's ~~identification card or driver's license or other document~~ for any  
 2445 marketing, advertising, or promotional purpose. This subsection shall not prohibit a merchant from  
 2446 disseminating to a third party any such information for a purpose described in subdivision A 3, 4, 5, or  
 2447 6.

2448 D. Any waiver of a provision of this section is contrary to public policy and is void and  
 2449 unenforceable.

2450 **§ 63.2-1916. Notice of administrative support order; contents; hearing; modification.**

2451 The Commissioner may proceed against a noncustodial parent whose support debt has accrued or is  
 2452 accruing based upon subrogation to, assignment of, or authorization to enforce a support obligation.  
 2453 Such obligation may be created by a court order for support of a child or child and spouse or decree of  
 2454 divorce ordering support of a child or child and spouse. In the absence of such a court order or decree  
 2455 of divorce, the Commissioner may, pursuant to this chapter, proceed against a person whose support  
 2456 debt has accrued or is accruing based upon payment of public assistance or who has a responsibility for  
 2457 the support of any dependent child or children and their custodial parent. The administrative support



order shall also provide that support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until such child reaches the age of 19 or graduates from high school, whichever comes first. The Commissioner shall initiate proceedings by issuing notice containing the administrative support order which shall become effective unless timely contested. The notice shall be served upon the debtor (a) in accordance with the provisions of § 8.01-296, 8.01-327 or 8.01-329 or (b) by certified mail, return receipt requested, or by electronic means, or the debtor may accept service by signing a formal waiver. A copy of the notice shall be provided to the obligee. The notice shall include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2519 are paid;

2520 15. A statement that a petition may be filed for suspension of any license, certificate, registration, or  
2521 other authorization to engage in a profession, trade, business, occupation, or recreational activity issued  
2522 by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90  
2523 days or more or in amount of \$5,000 or more. The order shall indicate whether either or both parents  
2524 currently hold such an authorization and, if so, the type of authorization held;

2525 16. A statement that the Department of Motor Vehicles may suspend or refuse to renew the ~~driver's~~  
2526 ~~license~~ *driving privileges* of any person upon receipt of notice from the Department of Social Services  
2527 that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000  
2528 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child  
2529 support proceedings; and

2530 17. A statement that on and after July 1, 1994, the Department of Social Services, as provided in  
2531 § 63.2-1921 and in accordance with § 20-108.2, may initiate a review of the amount of support ordered  
2532 by any court.

2533 If no answer is received by the Commissioner within 10 days of the date of service or acceptance,  
2534 the administrative support order shall be effective as provided in the notice. The Commissioner may  
2535 initiate collection procedures pursuant to this chapter, Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 or  
2536 Title 20. The debtor and the obligee have 10 days from the date of receipt of the notice to file an  
2537 answer with the Commissioner to exercise the right to an administrative hearing.

2538 Any changes in the amount of the administrative order must be made pursuant to this section. In no  
2539 event shall an administrative hearing alter or amend the amount or terms of any court order for support  
2540 or decree of divorce ordering support. No administrative support order may be retroactively modified,  
2541 but may be modified from the date that notice of the review has been served on the nonrequesting party.  
2542 Notice of each review shall be served on the nonrequesting party (1) in accordance with the provisions  
2543 of § 8.01-296, 8.01-327, or 8.01-329, (2) by certified mail, return receipt requested, (3) by electronic  
2544 means, or (4) by the nonrequesting party executing a waiver. The existence of an administrative order  
2545 shall not preclude either an obligor or obligee from commencing appropriate proceedings in a juvenile  
2546 and domestic relations district court or a circuit court.

2547 **§ 63.2-1941. Additional enforcement remedies.**

2548 In addition to its other enforcement remedies, the Division of Child Support Enforcement is  
2549 authorized to:

2550 1. Attach unemployment benefits through the Virginia Employment Commission pursuant to  
2551 § 60.2-608 and workers' compensation benefits through the Workers' Compensation Commission  
2552 pursuant to § 65.2-531; and

2553 2. Suspend an individual's ~~driver's license~~ *driving privileges* pursuant to § 46.2-320.1.

2554 **2. That the provisions of this act shall become effective on January 1, 2021.**

2555 **3. That no later than December 1, 2021, the Commissioner of the Department of Motor Vehicles**  
2556 **shall report to the Chairmen of the House and Senate Committees on Transportation regarding its**  
2557 **progress in implementing the provisions of this act.**

2558 **4. That the provisions of this act may result in a net increase in periods of imprisonment or**  
2559 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
2560 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
2561 **correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia**  
2562 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to**  
2563 **§ 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be**  
2564 **determined for periods of commitment to the custody of the Department of Juvenile Justice.**