

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 46.2-341.18, 46.2-382, and 46.2-1702 of the Code of Virginia, relating to commercial driver's licenses.

[H 1868]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-341.18, 46.2-382, and 46.2-1702 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-341.18. Disqualification for certain offenses.

A. Except as otherwise provided in this section and in § 46.2-341.18:01, the Commissioner shall disqualify for a period of one year any person whose record, as maintained by the Department of Motor Vehicles, shows that he has been convicted of any of the following offenses, if such offense was committed while operating a commercial motor vehicle:

1. A violation of any provision of § 46.2-341.21 or a violation of any federal law or the law of another jurisdiction substantially similar to § 46.2-341.21;

2. A violation of any provision of § 46.2-341.24 or a violation of any federal law or the law of another state substantially similar to § 46.2-341.24;

3. A violation of any provision of § 18.2-51.4 or 18.2-266 or a violation of a local ordinance paralleling or substantially similar to § 18.2-51.4 or 18.2-266, or a violation of any federal, state or local law or ordinance substantially similar to § 18.2-51.4 or 18.2-266;

4. Refusal to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath in accordance with §§ 18.2-268.1 through 18.2-268.12 or this article, or the comparable laws of any other state or jurisdiction;

5. Failure of the driver whose vehicle is involved in an accident to stop and disclose his identity at the scene of the accident; or

6. Commission of any crime punishable as a felony in the commission of which a motor vehicle is used, other than a felony described in § 46.2-341.19.

B. The Commissioner shall disqualify any such person for a period of three years if any offense listed in subsection A ~~of this section~~ was committed while driving a commercial motor vehicle used in the transportation of hazardous materials required to be placarded under federal Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

C. Beginning September 30, 2005, the Commissioner shall disqualify for a period of one year any person whose record, as maintained by the Department, shows that he has been convicted of any of the following offenses committed while operating a noncommercial motor vehicle, provided that the person was, at the time of the offense, the holder of a commercial driver's license, and provided further that the offense was committed on or after September 30, 2005:

1. A violation of any provision of § 18.2-51.4, 18.2-266, or a violation of a local ordinance paralleling or substantially similar to § 18.2-51.4 or 18.2-266, or a violation of any federal, state, or local law or ordinance, or law of any other jurisdiction, substantially similar to § 18.2-51.4 or 18.2-266;

2. Refusal to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath in accordance with §§ 18.2-268.1 through 18.2-268.12, or the comparable laws of any other state or jurisdiction;

3. Failure of the driver whose vehicle is involved in an accident to stop and disclose his identity at the scene of the accident; or

4. Commission of any crime punishable as a felony in the commission of which a motor vehicle is used.

D. The Commissioner shall disqualify for life any person whose record, as maintained by the Department, shows that he has been convicted of two or more violations of any of the offenses listed in subsection A or C ~~of this section~~, if each offense arose from a separate incident, except that if all of the offenses are for violation of an out-of-service order, the disqualification shall be for five years. If two or more such disqualification offenses arise from the same incident, the disqualification periods imposed pursuant to subsection A, B, or C ~~of this section~~ shall run consecutively and not concurrently.

E. The Commissioner shall disqualify for a period of five years a person who is convicted of voluntary or involuntary manslaughter, where the death occurred as a direct result of the operation of a commercial motor vehicle.

F. *The Commissioner shall disqualify for life a person who is convicted of a felony involving an act*

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57 *or practice of severe forms of trafficking in persons as defined in 22 U.S.C. § 7102(11) while driving a*
 58 *commercial motor vehicle, including any local, state, or federal law substantially similar to or fitting the*
 59 *definition of severe forms of trafficking in persons.*

60 G. The Department may issue, if permitted by federal law, regulations establishing guidelines,
 61 including conditions, under which a disqualification for life under subsection D may be reduced to a
 62 period of not less than 10 years.

63 **§ 46.2-382. Courts to keep full records of certain cases.**

64 A. Every ~~general~~ district court or circuit court or the clerk thereof shall keep a full record of every
 65 case in which:

66 1. A person is charged with (i) a violation of any law of the Commonwealth pertaining to the
 67 operator or operation of a motor vehicle or commercial motor vehicle *as defined in § 46.2-341.4*; (ii) a
 68 violation of any ordinance of any county, city, or town pertaining to the operator or operation of any
 69 motor vehicles, except parking regulations; (iii) any theft of a motor vehicle or unauthorized use thereof
 70 or theft of any part attached to it; (iv) a violation of § 18.2-36.2, subsection B of § 29.1-738, or
 71 § 29.1-738.02, 29.1-738.2, or 29.1-738.4; or (v) a violation or offense involving the use of a motor
 72 vehicle or commercial motor vehicle by a person holding a commercial learner's permit or commercial
 73 driver's license in the commission of any felony involving manufacturing, distributing, or dispensing a
 74 controlled substance or possession with intent to manufacture, distribute, or dispense such controlled
 75 substance;

76 2. A person is charged with manslaughter or any other felony in the commission of which a motor
 77 vehicle was used; or

78 3. There is rendered a judgment for damages, the rendering and nonpayment of which under the
 79 terms of this title require the Commissioner to suspend the driver's license and registration in the name
 80 of the judgment debtor.

81 *B. The Department and every district court or circuit court or the clerk thereof (i) shall not reduce,*
 82 *dismiss, defer, or otherwise conceal the conviction of any person charged with any offense committed*
 83 *while operating a commercial motor vehicle as defined in § 46.2-341.4 or any holder of a commercial*
 84 *driver's license or a commercial driver's permit charged with any offense committed while operating a*
 85 *noncommercial motor vehicle and (ii) shall comply with all federal laws and regulations regarding such*
 86 *convictions, including 49 C.F.R. § 384.226.*

87 **§ 46.2-1702. Certification of driver education courses by Commissioner.**

88 Notwithstanding any other provision of law, the Commissioner shall have the authority to approve as
 89 a driver education course satisfying the requirements of § 46.2-334 any course which is offered by any
 90 driver training school licensed under the provisions of this chapter if he finds that the course is of
 91 comparable content and quality to that offered in the Commonwealth's public schools. In making such
 92 finding, the Commissioner shall not require that the instructors of any driver training school meet the
 93 certification requirements of teachers in the Commonwealth's public schools.

94 Any comprehensive community college within the Virginia Community College System shall have
 95 the authority to offer the courses required by the Virginia Board of Education to become a certified
 96 driver education instructor in Virginia on a not-for-credit basis so long as the courses include the same
 97 content and curriculum required by the Department of Education, enabling individuals who complete
 98 those courses to then teach driver's education in Virginia driver education training schools upon official
 99 certification by the Department of Motor Vehicles. The Virginia Department of Education shall provide
 100 the curriculum, content, and other information regarding the courses required to become certified driver
 101 education instructors in Virginia to any comprehensive community college within the Virginia
 102 Community College System. The content of each course must be accurate and rigorous and must meet
 103 the requirements for the Department of Education's Curriculum and Administrative Guide for Driver's
 104 Education, which includes the Board of Education's standards of learning.

105 Except for schools in the Commonwealth's public school system and providers of correspondence
 106 courses approved by the Board of Education pursuant to subsection F of § 22.1-205, only those driver
 107 training schools that are licensed as computer-based driver education providers shall be authorized to
 108 administer computer-based driver education courses, including the parent/student driver education
 109 component of the driver education curriculum as established in § 22.1-205. The content and quality of
 110 such computer-based driver education courses shall be comparable to that of courses offered in the
 111 Commonwealth's public schools. The Commissioner may establish minimum standards for testing
 112 students who have enrolled in computer-based driver education courses. Such standards may include (i)
 113 requirements for the test site; (ii) verification that the person taking the test is the person enrolled in the
 114 course; (iii) verification of the identity of the student using photo identification approved by the
 115 Commissioner; and (iv) maintenance of a log containing the name and title of the licensed instructor
 116 monitoring the test, the test date, the name of the student taking the test, and the student's time-in and
 117 time-out of the test site. Computer-based driver education providers shall not issue a certificate of

118 completion to a student prior to receiving proof of completion of the additional minimum 90-minute
119 parent/student driver education component pursuant to § 22.1-205.

120 Any driver training school licensed under the provisions of this chapter shall be authorized to provide
121 the 90-minute parent/student driver education component of the driver education curriculum pursuant to
122 § 22.1-205. Only public schools and those driver training schools that are licensed as computer-based
123 driver education providers shall be authorized to administer the parent/student driver education
124 component of the driver education curriculum through a virtual, computer-based program. Completion of
125 such education component shall satisfy the requirement for the additional 90-minute parent/student driver
126 education component so long as there is participation of the student's parent or guardian and the content
127 provided is comparable to that which is offered in the Commonwealth's public schools and emphasizes
128 (a) parental responsibilities regarding juvenile driver behavior, (b) juvenile driving restrictions pursuant
129 to this Code, and (c) the dangers of driving while intoxicated and underage consumption of alcohol.

130 The Commissioner shall have authority to approve any driver education course offered by any Class
131 A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and
132 as otherwise established by the Department. Class A licensees shall not be permitted to administer
133 knowledge or behind-the-wheel examinations unless authorized pursuant to § 46.2-326.1. Driver
134 education courses offered by any Class B licensee shall be based on the driver education curriculum
135 currently approved by the Department of Education and the Department.

136 The Commissioner may accept, in lieu of requirements established by the Department of Education
137 for instructor qualification, (1) 20 years' service with the Virginia Department of State Police by a
138 law-enforcement officer who retired or resigned while in good standing from such Department or (2)(i)
139 20 years' service as a traffic enforcement officer with patrol experience with any local police department
140 by a law-enforcement officer who has been certified by the Virginia Department of Criminal Justice
141 Services pursuant to § 15.2-1706, (ii) who retired or resigned while in good standing from such
142 department, and (iii) who has been certified to teach driver training by the Virginia Department of
143 Criminal Justice Services.