

2021 SPECIAL SESSION I

SENATE SUBSTITUTE

21200383D

HOUSE BILL NO. 2163

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on February 18, 2021)

(Patron Prior to Substitute—Delegate Tran)

A BILL to amend and reenact §§ 46.2-100, 46.2-208, 46.2-209, 46.2-209.1, 46.2-216.1, 46.2-328.3, and 46.2-600.1 of the Code of Virginia, relating to Department of Motor Vehicles; privileged information.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-208, 46.2-209, 46.2-209.1, 46.2-216.1, 46.2-328.3, and 46.2-600.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles on their power unit, designed and used exclusively for the transportation of motor vehicles or used to transport cargo or general freight on a backhaul pursuant to the provisions of 49 U.S.C. § 31111(a)(1).

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or

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60 substitution of new or used essential parts other than those required for the conversion to electric
61 propulsion.

62 "Crosswalk" means that part of a roadway at an intersection included within the connections of the
63 lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the
64 absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an
65 intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the
66 surface.

67 "Decal" means a device to be attached to a license plate that validates the license plate for a
68 predetermined registration period.

69 "Department" means the Department of Motor Vehicles of the Commonwealth.

70 "Disabled parking license plate" means a license plate that displays the international symbol of access
71 in the same size as the numbers and letters on the plate and in a color that contrasts with the
72 background.

73 "Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand;
74 (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans
75 Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the
76 following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or
77 central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has
78 contracted to such an extent that the widest diameter of visual field subtends an angular distance no
79 greater than 20 degrees in the better eye.

80 "Driver's license" means any license, including a commercial driver's license as defined in the
81 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.) and a driver privilege card issued
82 pursuant to § 46.2-328.3, issued under the laws of the Commonwealth authorizing the operation of a
83 motor vehicle.

84 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device
85 that is designed to transport only one person and powered by an electric propulsion system that limits
86 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et
87 seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

88 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in
89 contact with the ground and is equipped with (i) pedals that allow propulsion by human power, (ii) a
90 seat for the use of the rider, and (iii) an electric motor with an input of no more than 750 watts. Electric
91 power-assisted bicycles shall be classified as follows:

92 1. "Class one" means an electric power-assisted bicycle equipped with a motor that provides
93 assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches
94 a speed of 20 miles per hour;

95 2. "Class two" means an electric power-assisted bicycle equipped with a motor that may be used
96 exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the
97 speed of 20 miles per hour; and

98 3. "Class three" means an electric power-assisted bicycle equipped with a motor that provides
99 assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches
100 the speed of 28 miles per hour.

101 For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a
102 vehicle when operated on a highway.

103 "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of
104 which will tend to conceal the identity of a vehicle.

105 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural
106 implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery
107 and implements, including self-propelled mowers designed and used for mowing lawns.

108 "Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use
109 and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more
110 wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed.
111 "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding
112 lawn mowers.

113 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all
114 administrative regulations and policies adopted pursuant thereto.

115 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred
116 arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided
117 for in § 46.2-472.

118 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United States,
119 which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and
120 regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

121 "Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the

Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

"Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in § 46.2-700, trailers, or semitrailers.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles

per hour. "Moped" does not include an electric power-assisted bicycle or a motorized skateboard or scooter. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, moped, or personal delivery device shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, and ~~(iv)~~ (v) has a speed of no more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars but does not include electric personal assistive mobility devices or electric power-assisted bicycles.

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as defined in this section or (b) a person who is serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional

vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle or auticycle designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Personal delivery device" means a powered device operated primarily on sidewalks and crosswalks and intended primarily for the transport of property on public rights-of-way that does not exceed 500 pounds, excluding cargo, and is capable of navigating with or without the active control or monitoring of a natural person. Notwithstanding any other provision of law, a personal delivery device shall not be considered a motor vehicle or a vehicle.

"Personal delivery device operator" means an entity or its agent that exercises direct physical control or monitoring over the navigation system and operation of a personal delivery device. For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an entity with the responsibility of navigating and operating a personal delivery device. "Personal delivery device operator" does not include (i) an entity or person who requests the services of a personal delivery device to transport property or (ii) an entity or person who only arranges for and dispatches the requested services of a personal delivery device.

"Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for personal use, designed to transport property on its own structure independent of any other vehicle, and having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a

306 specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A
307 yellow school bus may have a white roof provided such vehicle is painted in accordance with
308 regulations promulgated by the Department of Education.

309 "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a
310 motor vehicle that some part of its own weight and that of its own load rests on or is carried by another
311 vehicle.

312 "Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by
313 an open space or barrier and is located either within the highway right-of-way or within a separate
314 right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel
315 chair conveyances, joggers, and other nonmotorized users and personal delivery devices.

316 "Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic
317 and the lateral curbline or ditch.

318 "Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway,
319 and the adjacent property lines, intended for use by pedestrians.

320 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or
321 runners, and supported in whole or in part by one or more skis, belts, or cleats.

322 "Special construction and forestry equipment" means any vehicle which is designed primarily for
323 highway construction, highway maintenance, earth moving, timber harvesting or other construction or
324 forestry work and which is not designed for the transportation of persons or property on a public
325 highway.

326 "Specially constructed vehicle" means any vehicle that was not originally constructed under a
327 distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a
328 reconstructed vehicle as herein defined.

329 "Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter
330 configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and
331 below the rearmost axle of the power unit.

332 "Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

333 "Suspend" or "suspension" means that the document or privilege suspended has been temporarily
334 withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the
335 end of the period of suspension.

336 "Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by
337 means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight
338 rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels
339 and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks."

340 "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or
341 watercraft transporter," or "tractor truck" as those terms are defined in this section.

342 "Towing and recovery operator" means a person engaged in the business of (i) removing disabled
343 vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii)
344 restoring to the highway or other location where they either can be operated or removed to other
345 locations for repair or safekeeping vehicles that have come to rest in places where they cannot be
346 operated.

347 "Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued
348 vehicle identification number that is designed or used to carry any person or persons, on any number of
349 wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric
350 personal assistive mobility devices, electric power-assisted bicycles, mopeds, motorized skateboards or
351 scooters, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as
352 bicycles, roller skates, or skateboards.

353 "Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles
354 and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached
355 thereto.

356 "Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or
357 guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel,
358 pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or
359 in the case of a private road open to public travel, by authority of the private owner or private official
360 having jurisdiction.

361 "Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a
362 felony nor a misdemeanor.

363 "Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the
364 forward movement of a single line of vehicles.

365 "Trailer" means every vehicle without motive power designed for carrying property or passengers
366 wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

367 "Truck" means every motor vehicle designed to transport property on its own structure independent

of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not include any pickup or panel truck.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except personal delivery devices and devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds shall be vehicles while operated on a highway.

"Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport watercraft on their power unit, designed and used exclusively for the transportation of watercraft.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. The *following* information ~~outlined below~~ shall be considered privileged and, unless otherwise provided for in this title, shall not be released except as provided in subsection B:

1. Personal information as defined in § 2.2-3801;
2. Driver information, defined as all data that relates to driver's license status and driver activity;
3. Special identification card information, defined as all data that relates to identification card status; and
4. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data, but excluding crash data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical information included in personal information shall be released only to a physician, physician assistant, or nurse practitioner in accordance with a proceeding under §§ 46.2-321 and 46.2-322.

2, 3. [Repealed.]

4. Upon the request of (i) the subject of the information, (ii) the parent of a minor who is the subject of the information, (iii) the guardian of the subject of the information, (iv) the authorized *agent or* representative of the subject of the information, or (v) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent of a minor who is the subject of the information, (c) the guardian of the subject of the information, (d) the authorized *agent or* representative of the subject of the information, or (e) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver, special identification card, or vehicle information. If the requester is requesting such information in the scope of his official business as counsel from a public defender's office or as counsel appointed by a court, such records shall be provided free of charge.

5. Upon the written request of any insurance carrier; ~~or surety, or representative~~ *authorized agent* of either, the Commissioner shall furnish to such requester information in the record of any person subject to the provisions of this title. The transcript shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report filed pursuant to § 46.2-373. No such report of any conviction or crash shall be made after 60 months from the date of the conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the suspension or

429 revocation of a driver's license or driving privilege, in which case the revocation or suspension and any
430 conviction or crash pertaining thereto shall not be reported after 60 months from the date that the
431 driver's license or driving privilege has been reinstated. The response of the Commissioner under this
432 subdivision shall not be admissible in evidence in any court proceedings.

433 6. Upon the written request of any business organization or its authorized agent, in the conduct of its
434 business, the Commissioner shall compare personal information supplied by the requester with that
435 contained in the Department's records and, when the information supplied by the requester is different
436 from that contained in the Department's records, provide the requester with correct information as
437 contained in the Department's records. Personal information provided under this subdivision shall be
438 used solely for the purpose of pursuing remedies that require locating an individual.

439 7. Upon the written request of any business organization or its authorized agent, the Commissioner
440 shall provide vehicle information to the requester. Disclosures made under this subdivision shall not
441 include any personal information, *driver information*, or *special identification card information* and shall
442 not be subject to the limitations contained in subdivision 6.

443 8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent,
444 the Commissioner shall (i) compare personal information supplied by the requester with that contained
445 in the Department's records and, when the information supplied by the requester is different from that
446 contained in the Department's records, provide the requester with correct information as contained in the
447 Department's records and (ii) provide the requester with driver information of any person subject to the
448 provisions of this title. Such information shall include any record of any conviction of a violation of any
449 provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any
450 injury or damage in which the subject of the information was involved and a report of which was filed
451 pursuant to § 46.2-373. No such information shall include any record of any conviction or crash more
452 than 60 months after the date of such conviction or crash unless the Commissioner or court used the
453 conviction or crash as a reason for the suspension or revocation of a driver's license or driving privilege,
454 in which case the revocation or suspension and any conviction or crash pertaining thereto shall cease to
455 be included in such information after 60 months from the date on which the driver's license or driving
456 privilege was reinstated. The response of the Commissioner under this subdivision shall not be
457 admissible in evidence in any court proceedings.

458 9. Upon the request of any federal, state, or local governmental entity, local government group
459 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, *or* court, or the authorized
460 agent of any of the foregoing, the Commissioner shall compare personal information supplied by the
461 requester with that contained in the Department's records and, when the information supplied by the
462 requester is different from that contained in the Department's records, provide the requester with correct
463 information as contained in the Department's records. The Commissioner shall also provide driver,
464 special identification card, and vehicle information as requested pursuant to this subdivision. The
465 Commissioner may release other appropriate information to the governmental entity upon request. Upon
466 request in accordance with this subdivision, the Commissioner shall furnish a certificate, under seal of
467 the Department, setting forth a distinguishing number or license plate of a motor vehicle, trailer, or
468 semitrailer, together with the name and address of its owner. The certificate shall be prima facie
469 evidence in any court in the Commonwealth of the ownership of the vehicle, trailer, or semitrailer to
470 which the distinguishing number or license plate has been assigned by the Department. However, the
471 Commissioner shall not release any photographs pursuant to this subdivision unless the requester
472 provides the depicted individual's name and other sufficient identifying information contained on such
473 individual's record. The information in this subdivision shall be provided free of charge.

474 The Department shall release to a requester information that is required for a requester to carry out
475 the requester's official functions in accordance with this subdivision. If the requester has entered into an
476 agreement with the Department, such agreement shall be in a manner prescribed by the Department, and
477 such agreement shall contain the legal authority that authorizes the performance of the requester's
478 official functions and a description of how such information will be used to carry out such official
479 functions. If the Commissioner determines that sufficient authority has not been provided by the
480 requester to show that the purpose for which the information shall be used is one of the requester's
481 official functions, the Commissioner shall refuse to enter into any agreement. If the requester submits a
482 request for information in accordance with this subdivision without an existing agreement to receive the
483 information, the request shall be in a manner prescribed by the Department, and such request shall
484 contain the legal authority that authorizes the performance of the requester's official functions and a
485 description of how such information will be used to carry out such official functions. If the
486 Commissioner determines that sufficient authority has not been provided by the requester to show that
487 the purpose for which such information shall be used is one of the requester's official functions, the
488 Commissioner shall deny such request.

489 *Notwithstanding the provisions of this subdivision, the Department shall not disseminate to any*
490 *federal, state, or local government entity, law-enforcement officer, or law-enforcement agency any*

privileged information for any purposes related to civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. When responding to a lawful judicial order, judicial subpoena, or judicial warrant, the Department shall disclose only those records or information specifically requested. Within three business days of receiving a request for information for the purpose of civil immigration enforcement, the Commissioner shall send a notification to the individual about whom such information was requested that such a request was made and the identity of the entity that made such request.

The Department shall not enter into any agreement pursuant to subsection E with a requester pursuant to this subdivision unless the requester certifies that the information obtained will not be used for civil immigration purposes or knowingly disseminated to any third party for any purpose related to civil immigration enforcement.

10. Upon the request of the driver licensing authority in any foreign country, the Commissioner shall provide whatever driver and vehicle information the requesting authority shall require to carry out its official functions. The information shall be provided free of charge.

11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of an individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, or forfeiture, provided that such individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

b. For the purpose of obtaining information regarding commercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of such individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, forfeitures, or disqualifications, provided that such individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle.

12. Upon the written request of any member of a volunteer fire company or volunteer emergency medical services agency and with written consent of the individual concerned, or upon the request of an applicant for membership in a volunteer fire company or to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide driver information in the form of a transcript of the individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency and the transcript is needed by the requester to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a Virginia affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent of the individual who is the subject of the information and has applied to be a volunteer with the requester, or on the written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil Air Patrol, or Faith in Action, and with the consent of the individual who is the subject of the information and applied to be a volunteer vehicle operator with the requester, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide driver information in the form of a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be

552 provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written
553 evidence that the person has applied to be a volunteer or volunteer vehicle operator with the requester as
554 provided in this subdivision.

555 14. On the written request of any person who has applied to be a volunteer with a court-appointed
556 special advocate program pursuant to § 9.1-153, the Commissioner shall provide a transcript of the
557 applicant's record, including all convictions, all crashes, any type of driver's license that the individual
558 currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript
559 shall be provided free of charge if the request is accompanied by appropriate written evidence that the
560 person has applied to be a volunteer with a court-appointed special advocate program pursuant to
561 § 9.1-153.

562 15, 16. [Repealed.]

563 17. Upon the request of an attorney representing a person involved in a motor vehicle crash, the
564 Commissioner shall provide the vehicle information for any vehicle involved in the crash and the name
565 and address of the owner of any such vehicle.

566 18. Upon the request, in the course of business, of any authorized ~~representative~~ agent of an
567 insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or
568 perform rating and underwriting activities, the Commissioner shall provide (i) all vehicle information,
569 the owner's name and address, descriptive data and title, registration, and vehicle activity data, as
570 requested, or (ii) ~~all the driver information, including~~ name, license number and classification, date of
571 birth, and address information for each driver under the age of 22 licensed in the Commonwealth,
572 provided that such request includes the driver's license number or address information of such driver.
573 Use of such information shall be limited to use in connection with insurance claims investigation
574 activities, antifraud activities, rating, or underwriting.

575 19. [Repealed.]

576 20. Upon the written request of the compliance agent of a private security services business, as
577 defined in § 9.1-138, which is licensed by the Virginia Department of Criminal Justice Services, the
578 Commissioner shall provide the name and address of the owner of the vehicle under procedures
579 determined by the Commissioner.

580 21. Upon the request of the operator of a toll facility, a traffic light photo-monitoring system acting
581 on behalf of a government entity, or the Dulles Access Highway, or an authorized agent or employee of
582 a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a government
583 entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection
584 M of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5. Information released
585 pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having
586 failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the
587 Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title and
588 registration data of the same vehicle.

589 22-26. [Repealed.]

590 27. Upon the written request of the executor or administrator of a deceased person's estate, the
591 Department shall, if the deceased person had been issued a driver's license or special identification card
592 by the Department, supply the requester with a hard copy image of any photograph of the deceased
593 person kept in the Department's records.

594 28. [Repealed.]

595 29. a. Upon written agreement, the Commissioner may digitally verify the authenticity and validity of
596 a driver's license, learner's permit, or special identification card to the American Association of Motor
597 Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or another organization
598 approved by the Commissioner.

599 b. ~~The~~ Upon written agreement, the Commissioner may release *minimum* information as needed in
600 the Department's record through any American Association of Motor Vehicle Administrators service
601 program created for the purpose of the exchange of information to any business, government agency, or
602 authorized agent who would otherwise be authorized to receive the information requested pursuant to
603 this section.

604 30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on
605 behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection
606 B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and
607 address of the owner of the vehicle having passed a stopped school bus and the vehicle information,
608 including all descriptive vehicle data and title and registration data for such vehicle.

609 31. Upon the request of the operator of a photo speed monitoring device as defined in § 46.2-882.1
610 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to
611 subsection B of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the
612 name and address of the owner of the vehicle having committed a violation of § 46.2-873 or 46.2-878.1
613 and the vehicle information, including all descriptive vehicle data and title and registration data, for such

vehicle.

32. Notwithstanding the provisions of this section other than subdivision 33, the Department shall not release, except upon request by the subject of the information, the guardian of the subject of the information, the parent of a minor who is the subject of the information, or the authorized representative agent of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driving credential or a special identification card, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential or a special identification card. As used in this subdivision, "proof document" means any document not originally created by the Department that is submitted to the Department for the issuance of any driving credential or special identification card. "Proof document" does not include any information contained on a driving credential or special identification card.

33. Notwithstanding the provisions of this section, the Department may release the information in the Department's records that it deems reasonable and necessary for the purpose of federal compliance audits.

C. Information disclosed or furnished shall be assessed a fee as specified in § 46.2-214, unless as otherwise provided in this section.

D. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

E. The Department shall not release any privileged information pursuant to this title unless the Department has entered into a written agreement authorizing such release. The Department shall require the requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the request and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information requested by an entity that has been altered or aggregated may be used only for the original purposes specified in the written agreement consistent with this title. The requesting entity shall disseminate privileged information only to third parties subject to the original purpose specified in the written agreement consistent with this title. Any agreement that does not allow third-party distribution shall include a statement that such distribution is prohibited. Such agreement may limit the scope of any authorized distribution consistent with this title. Privileged information distributed to any third party shall only be further distributed by such third party subject to the original purpose specified and consistent with this title, or unless such third party is the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, the authorized agent or representative of the subject of the information, or the owner of the vehicle that is the subject of the information.

Any agreement entered into pursuant to this subsection between the Department and the Department of State Police shall specify (i) that privileged information shall be distributed only to authorized personnel of an entity meeting the definition of a criminal justice agency as defined in § 9.1-101 and other comparable local, state, and federal criminal justice agencies and entities issued a Virginia S-Originating Agency Identification (S-ORI) status; (ii) that privileged information shall be accessed, used, and disseminated only for the administration of criminal justice as defined in § 9.1-101; and (iii) that no local, state, or federal government entity, through the Virginia Criminal Information Network (VCIN) or any other method of dissemination controlled by the Department of State Police, has access to information stored by the Department in violation of the protections contained in this section. The Department of State Police shall notify the Department prior to when a new entity is to be granted S-ORI status and provide a copy of the S-ORI application to the Department. The Department of State Police shall not allow any entity to access Department data through VCIN if the Department objects in writing to the entity obtaining such data.

The provisions of this subsection shall not apply to (a) requests for information made pursuant to subdivision B 4; (b) a request made by an entity authorized to receive privileged information pursuant to subsection B, provided that such request is made on a form provided by the Department, other than a written agreement, that requires the requester to certify that such entity is entitled to receive such information pursuant to this title, state the purpose authorized pursuant to subsection B that forms the basis for the request, explain why the information requested is necessary to accomplish the stated purpose, and certify that the information will be used only for the stated purpose and the information received shall not be disseminated to third parties unless there is authorization to do so; or (c) the release of information to a law-enforcement officer or agency during an emergency situation, provided that (1) the requesting entity is authorized to receive such information pursuant to subdivision B 9, (2) the timely release of such information is in the interest of public safety, and (3) the requesting entity completes the form required pursuant to clause (b) within 48 hours of the release of such information.

F. Any person that receives any privileged information that such person knows or has reason to

675 know was received in violation of this title shall not disseminate any such information and shall notify
676 the Department of the receipt of such privileged information.

677 G. The Department shall conduct audits annually based on a risk assessment to ensure that
678 privileged information released by the Department pursuant to this title is being used as authorized by
679 law and pursuant to the agreements entered into by the Department. If the Department finds that
680 privileged information has been used in a manner contrary to law or the relevant agreement, the
681 Department may revoke access.

682 H. Any request for privileged information by an authorized agent of a governmental entity shall be
683 governed by the provisions of subdivision B 9.

684 **§ 46.2-209. Release of information in Department records for motor vehicle research purposes.**

685 A. For the purposes of this section, "privileged information" means:

686 1. Personal information as defined in § 2.2-3801;

687 2. Driver information, defined as all data that relates to driver's license status and driver activity;

688 3. Special identification card information, defined as all data that relates to identification card
689 status; and

690 4. Vehicle information, defined as title number and registration number.

691 B. Notwithstanding the provisions of subsections A and E of § 46.2-208, the Commissioner may
692 furnish privileged information for motor vehicle research purposes when the information is furnished in
693 such a manner that individuals cannot be identified, by social security or license number, or in other
694 cases wherein, in his opinion, highway safety or the general welfare of the public will be promoted by
695 furnishing the information, and the recipient of the information has agreed in writing with the
696 Commissioner or his designee that the information furnished will be used for no purpose other than the
697 purpose for which it was furnished. No such information shall be used for solicitation of sales. The
698 Commissioner shall not disclose, pursuant to this section, an individual's social security number or lack
699 thereof, driver's license or special identification card number, Individual Tax ID Number, country of
700 origin, immigration status, or place of birth or the type of document issued to the individual pursuant to
701 Chapter 3 (§ 46.2-300 et seq.).

702 C. No privileged information released pursuant to this section shall be distributed by any recipient of
703 such information to a third party for a purpose other than the purpose for which it was furnished.
704 Privileged information requested by an entity that has been altered or aggregated may only be used for
705 the original purposes specified in the written agreement and shall be subject to the protections of this
706 section. Any agreement that does not allow third-party distribution shall include a statement that such
707 distribution is prohibited. Such agreement may limit the scope of any authorized distribution.

708 **§ 46.2-209.1. Release of vehicle information by Department to prospective vehicle purchasers.**

709 Notwithstanding the provisions of subsection A of § 46.2-208, the Commissioner may furnish vehicle
710 information to a prospective purchaser of that vehicle, if the prospective purchaser completes an
711 application therefor, including the vehicle's make, model, year, and vehicle identification number, and
712 pays the fee prescribed by the Commissioner. Such information furnished by the Commissioner may be
713 provided from the Department's own records, or may be obtained by the Commissioner through the
714 National Motor Vehicle Title Information System or any other nationally recognized system providing
715 similar information.

716 Nothing in this section shall be construed to authorize the release of any personal information, driver
717 information, or special identification card information as defined in § 2.2-3801 46.2-208.

718 **§ 46.2-216.1. Electronic filings or submissions to Department; provision of electronic documents**
719 **by Department.**

720 A. Whenever this title or Title 58.1 provides that applications, certificates, fees, letters of credit,
721 notices, penalties, records, reports, surety bonds, tariffs, taxes, time schedules, or any other documents or
722 payments be filed or submitted to the Department in written form or otherwise, the Commissioner may,
723 after providing 12-months' written notification to impacted applicants, licensees, or any other person or
724 entity, require that all or certain applicants, licensees, or any other person or entity engaged in business
725 with the Department, make such filings or submissions electronically in a format prescribed by the
726 Commissioner. Any such requirement shall not apply to an individual application for a driver's license,
727 commercial driver's license, special identification card, or the titling or registration of 12 or fewer
728 vehicles during a period of one year. The Commissioner shall develop a method to ensure that the
729 electronic filing is received and stored accurately and that it is readily available to satisfy the
730 requirements of the statutes which call for a written document. Notwithstanding the provisions of this
731 section, the Commissioner may accept, in lieu of paper documents, a filing or submission made by
732 electronic means for any document not required to be filed or submitted electronically pursuant to the
733 provisions of this title or Title 58.1.

734 B. Whenever this title or Title 58.1 provides that a written certificate or other document is to be
735 delivered to an owner, registrant, licensee, lien holder, or any other person or entity by the Department
736 or the Commissioner, the Commissioner may provide the written certificate or other document by

electronic means. The electronic document may consist of all of the information included in the paper certificate or document or it may be an abstract or listing of the information held in electronic form by the Department. Whenever a certificate or other document is provided by electronic means, the Department will not be required to produce a written certificate or document until requested to do so by the owner, registrant, licensee, lien holder, or other party.

C. The Commissioner is authorized to establish, where feasible and cost efficient, contracts with public-private partnerships with commercial operations to provide for simplification and streamlining of services to citizens through electronic means. Such electronic services shall include (i) an electronic lien and titling program, (ii) an online dealer program, and (iii) a print-on-demand license plate program.

1. Notwithstanding the provisions of *subsection A of § 46.2-208*, to conduct customer-initiated transactions through electronic means the Commissioner may provide a customer's personal, driver, or vehicle information relating to the operation or theft of a motor vehicle or to public safety to the following entities: (i) lending institutions; (ii) motor vehicle dealers; or (iii) third-party vendors that enter into contracts with the Department. Pursuant to subsection A, the Commissioner may require such entities engaged in business with the Department to submit electronic filings using the third-party vendors that have contracts with the Department. Customer information obtained by such entities conducting customer-initiated transactions, including third-party vendors that enter into contracts with the Department, is subject to the restrictions upon use and dissemination imposed by (a) the federal Drivers Privacy Protection Act at 18 U.S.C. § 2721 et seq., (b) the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) and §§ 46.2-208 and 58.1-3, and (c) any rules, regulations, or guidelines adopted by the Department with regard to disclosure or dissemination of any information obtained from the Department.

2. The Department may impose a reasonable fee in accordance with fair market prices on such entities, including third-party vendors that enter into contracts with the Department, for customer-initiated transactions conducted through electronic means. Such fees shall be used to defray the costs of the transaction to the Department. Any transaction fees imposed and collected by the Department shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

§ 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, or been claimed as a dependent, on an individual income tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements set forth in Article 8 (§ 46.2-705 et seq.) of Chapter 6.

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. The front of a driver privilege card or permit shall be identical in appearance to a driver's license or permit that is not a REAL ID credential and the back of the card or permit shall be identical in appearance to the restriction on the back of a limited-duration license, permit, or special identification card;

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;

5. The fee for an original driver privilege card or permit shall be \$50. The Department may issue, upon application by the holder of a valid, unexpired card or permit issued under this section, and upon payment of a fee of \$50, another driver privilege card or permit that shall be valid for a period of two years from the date of issuance. The amount paid by an applicant for a driver privilege card or other document issued pursuant to this chapter shall be considered privileged information for the purposes of § 46.2-208. No applicant shall be required to provide proof of compliance with clauses (i) and (ii) of subsection A for a reissued, renewed, or duplicate card or permit; and

6. Any information collected pursuant to this section that is not otherwise collected by the Department or required for the issuance of any other driving credential issued pursuant to the provisions of this chapter and any information regarding restrictions in the Department's records related to the issuance of a credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the

798 subject of the information, or the authorized representative of the subject of the information, or pursuant
799 to a court order.

800 C. The Department shall not release the following information relating to the issuance of a driver
801 privilege card or permit, except upon request by the subject of the information, the parent of a minor
802 who is the subject of the information, the guardian of the subject of the information, or the authorized
803 representative of the subject of the information, or pursuant to a court order, (i) proof documents
804 submitted for the purpose of obtaining a driver privilege card or permit, (ii) the information in the
805 Department's records indicating the type of proof documentation that was provided, or (iii) applications.

806 The Department shall release *only* to any federal, state, or local governmental entity, local
807 government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or
808 court, or the authorized agent of any of the foregoing, information related to the issuance of a driver
809 privilege card or permit, the release of which is not otherwise prohibited by this section, that is required
810 for a requester to carry out the requester's official functions if the requester provides the individual's
811 name and other sufficient identifying information contained on the individual's record. ~~If the requester~~
812 ~~has entered into an agreement with the Department, such agreement shall be in a manner prescribed by~~
813 ~~the Department and such agreement shall contain the legal authority that authorizes the performance of~~
814 ~~the requester's official functions and a description of how such information will be used to carry out~~
815 ~~such official functions. If the Commissioner determines that sufficient authority has not been provided~~
816 ~~by the requester to show that the purpose for which such information shall be used is one of the~~
817 ~~requester's official functions, the Commissioner shall refuse to enter into any agreement. If the requester~~
818 ~~submits a request for information in accordance with this subsection without an existing agreement to~~
819 ~~receive the information, such request shall be in a manner prescribed by the Department and such~~
820 ~~request shall contain the legal authority that authorizes the performance of the requester's official~~
821 ~~functions and a description of how such information will be used to carry out such official functions. If~~
822 ~~the Commissioner determines that sufficient authority has not been provided by the requester to show~~
823 ~~that the purpose for which such information shall be used is one of the requester's official functions, the~~
824 ~~Commissioner shall deny such request~~ *Any such release shall be in accordance with the requirements of*
825 *§ 46.2-208.*

826 **§ 46.2-600.1. Indication of special communication needs.**

827 A. As used in this section, "disability that can impair communication" means a condition with
828 symptoms that can impair the ability of a person with such condition to receive, send, process, or
829 comprehend concepts or verbal, nonverbal, or graphic symbol systems, including autism spectrum
830 disorders as defined in § 38.2-3418.17 and hearing loss.

831 B. The Department shall include on the application for registration of a motor vehicle an option for
832 the vehicle owner to, if applicable, voluntarily indicate that he has a disability that can impair
833 communication. Any application on which the applicant indicates that he has such a disability shall be
834 accompanied by a certification signed by a licensed physician that such individual has a disability that
835 can impair communication.

836 C. Any vehicle owner with a driver's license indicator authorized pursuant to subsection K of
837 § 46.2-342 or special identification card indicator authorized pursuant to subsection L of § 46.2-345 shall
838 be eligible for the registration indicator. Vehicle owners with a driver's license indicator or special
839 identification card indicator may apply to the Department for a registration indicator in a manner
840 prescribed by the Commissioner.

841 D. Notwithstanding the provisions of *subsection A* § 46.2-208, the Department shall provide
842 information regarding vehicle registrants who have indicated, pursuant to subsection B or C, that they
843 have a disability that can impair communication with employees and agents of criminal justice agencies
844 as defined in § 9.1-101. The Department shall confirm the presence or absence of a registration indicator
845 indicating that the registrant has a disability that can impair communication, but it shall not provide
846 information about the type of health condition or disability that the registrant has.

847 **2. That the Department of State Police shall submit annually on July 1 to the Commissioner of the**
848 **Department of Motor Vehicles, the Chairman of the House Committee on Communications,**
849 **Technology and Innovations and the Chairman of the Senate Committee on General Laws and**
850 **Technology a list of the governmental entities with access to the Department of Motor Vehicles'**
851 **privileged information through VCIN and the International Justice and Public Safety Network.**