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HOUSE BILL NO. 1148

Offered January 14, 2022

A *BILL to amend and reenact § 46.2-330 of the Code of Virginia, relating to driver's license and learner's permit renewal; certain older applicants.*

Patron—Mullin

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-330 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-330. Expiration and renewal of licenses; examinations required.**

A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years or less than five years, unless otherwise provided by law. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's license issued to a person age ~~75~~ 70 or older shall be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the license was not issued as a limited-duration driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five.

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

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

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than ~~75~~ 70 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license that is not a commercial driver's license and the requirement for the taking of the written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license.

C1. No driver's license or learner's permit issued to any person who is ~~75~~ 70 years old or older shall be renewed unless the applicant for renewal (i) appears in person, (ii) *provides a certification by a physician that the applicant is mentally and physically capable of operating a motor vehicle*, and (iii) either (i) (a) passes a vision examination or (ii) (b) presents a report of a vision examination, made

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59 within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision
60 meets or exceeds the standards contained in § 46.2-311. *Upon request, the Commissioner may issue a*
61 *45-day temporary driver's license or learner's permit to any applicant who does not have the*
62 *certification required pursuant to clause (ii) but is otherwise eligible for renewal. The Commissioner*
63 *shall establish a process whereby an applicant who is unable to obtain a certification pursuant to clause*
64 *(ii) may be evaluated to determine his fitness to drive as provided in § 46.2-322.*

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

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

70 F. 1. The Department shall electronically transmit application information, including a photograph, to
71 the Department of State Police, in a format approved by the State Police, for comparison with
72 information contained in the Virginia Criminal Information Network and National Crime Information
73 Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license.
74 Whenever it appears from the records of the State Police that a person has failed to comply with the
75 duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.)
76 of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a
77 violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of
78 § 18.2-472.1 in the jurisdiction in which the person last registered, reregistered, or verified his
79 registration information or in the jurisdiction where the person made application for licensure. The
80 Department of State Police shall electronically transmit to the Department, in a format approved by the
81 Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information
82 consisting of the person's name, all aliases that he has used or under which he may have been known,
83 his date of birth, and his social security number as set out in § 9.1-903.

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