

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 304

An Act to amend and reenact § 46.2-208 of the Code of Virginia, relating to the retention of driving records by the Department of Motor Vehicles.

[H 1352]

Approved April 4, 1994

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-208 of the Code of Virginia is amended and reenacted as follows:

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

A. All registration and title records in the office of the Department shall be public records, but shall be open for inspection only subject to regulations promulgated by the Commissioner.

B. The Commissioner shall consider all driving records in the Department as privileged public records and shall release such information only under the following conditions:

1. On the request of any adult, parent or legal guardian of a minor, or their authorized agents, the Commissioner shall provide that person with a complete explanation of all information pertaining to himself, his minor child or ward, or the person for whom he is the agent, except that medical information, which in the judgment of the Commissioner should only be disclosed by a physician, shall be referred to any physician designated by the person making the request.

2. On the request of any insurance carrier or surety or representative of an insurance carrier or surety, the Commissioner shall furnish an abstract of the operating record of any person subject to the provisions of this title. The abstract shall fully designate any record of any conviction of the person 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 of which is required by § 46.2-372. No such report of any conviction or accident shall be made after sixty months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported after sixty months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings. The Commissioner shall charge a reasonable fee for the operating record. Nothing in this subdivision shall authorize the recipient of an abstract under this section to make any further disclosure of any information contained therein except where further disclosure is authorized or required by law.

3. On the written request of any business official who provides the Commissioner with an individual's driver's license number, the Commissioner may furnish that person the name and address of the individual as shown on the Department's records for that driver's license number. Nothing in this subdivision shall authorize the release of any record of convictions of motor vehicle law violations.

4. On the request of any law-enforcement officer, attorney for the Commonwealth or court, the Commissioner shall provide an abstract of the operating record showing all convictions, accidents, driver's license suspensions or revocations, and other appropriate information as the requesting authority may require.

5. On request of the driver licensing authority in any other state or foreign country, the Commissioner shall provide whatever information the requesting authority shall require.

6. On 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 provide an abstract of an individual's operating record showing all convictions, accidents, license suspensions or revocations, and any type of license that the individual currently possesses, provided that the individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

6a. On the written request of any member of or applicant for membership in a volunteer fire company or volunteer rescue squad, the Commissioner shall provide an abstract of the member's or applicant's operating record showing all convictions, accidents, license suspensions or revocations, and any type of license that the individual currently possesses. Such abstract 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 volunteer rescue squad and the abstract is needed by a volunteer fire company or volunteer rescue squad to establish the qualifications of the member or applicant to operate equipment owned by the volunteer fire company or volunteer rescue squad.

6b. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall provide an abstract of the applicant's operating record showing all convictions, accidents, license suspensions or revocations, and any type of

license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

7. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation.

8. Accident reports may be inspected under the provisions of § 46.2-380.

9. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.

10. Upon the request of any employer, prospective employer, or representative of either, the Commissioner shall provide an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or disqualifications, and any type of license that the individual currently possesses. The Commissioner shall charge a reasonable fee for the operating record. Nothing in this subdivision shall authorize the recipient of an abstract under this section to make any further disclosure of any information contained therein except where such further disclosure is authorized or required by law.

C. The Department may promulgate regulations to govern the means by which registration, vehicle, and driver information is requested and disseminated.

D. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.