

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 254

An Act to amend and reenact § 46.2-335 of the Code of Virginia, relating to learner's permits.

[S 749]

Approved March 16, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-335 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-335. Learner's permits; fees.

A. The Department, on receiving from any Virginia resident over the age of fifteen years ~~eight months~~, an application for a learner's permit may, in its discretion, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle on the highways for a period of one year, when accompanied by a licensed driver eighteen years of age or older who is actually occupying a seat beside the driver. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence shall apply, mutatis mutandis, to learner's permits issued under this section. The application for a learner's permit shall not be granted without evidence of compliance with Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, submitted on a form furnished by the Board of Education and certified by the division superintendent or any of his designees, or presentation of a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4. The Department shall charge a fee of three dollars for each learner's permit issued under this section, which shall be paid into the driver education fund of the state treasury. It shall be unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver. Violation of this section shall constitute a Class 2 misdemeanor. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

B. Notwithstanding the provisions of subsection A of this section, the Department shall not issue a learner's permit with a classification entitling the permittee to drive motorcycles unless:

1. The person is receiving instructions from a qualified instructor in a course approved by the Department;
2. The person has successfully completed the off-street portion of the course;
3. When the instruction is conducted on the public highways, it follows a prescribed course which has been approved by the chief local law-enforcement official;
4. The persons receiving the instruction, or the motorcycles used in the instruction, are clearly marked "STUDENT DRIVER";
5. The person is under the supervision of his instructor at all times; and
6. No person, except the person receiving the instruction, occupies the motorcycle while instruction is being given.