

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 847

*An Act to amend and reenact §§ 46.2-325 and 46.2-335 of the Code of Virginia, relating to learner's permits; examinations of driver's license applicants; fees.*

[H 2141]

Approved May 5, 1995

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-325 and 46.2-335 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-325. Examination of applicants.

The Department shall examine every applicant for a driver's license before issuing any license. The Department shall examine the applicant as to his physical and mental qualifications and his ability to drive a motor vehicle without jeopardizing the safety of persons or property and as to whether any facts exist which would bar the issuance of a license under §§ 46.2-311 through 46.2-316, 46.2-334 or § 46.2-335. The examination, however, shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this chapter. No applicant otherwise competent shall be required to demonstrate ability to park any motor vehicle except in an adequate parking space between horizontal markers, and not between flags or sticks simulating parked vehicles. Applicants for licensure to drive motor vehicles of the classifications referred to in § 46.2-328 shall submit to examinations which relate to the operation of those vehicles.

*Except for applicants subject to § 46.2-312, if the Commissioner is satisfied that an applicant has demonstrated the same proficiency through successful completion of either (i) the driver education course approved by the Department of Education or (ii) a driver training course offered by a commercial driver training school licensed under Chapter 17 ( § 46.2-1700 et seq.) of this title, he may waive those parts of its examination provided for in this section that require the applicant to (i) take a written or automated knowledge test and/or (ii) drive and park a motor vehicle.*

§ 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~~ *subject to the applicant's successful completion of the written or automated knowledge and vision examinations*, 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. *Such permit shall be valid until he either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by commercial driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license. Driver's licenses shall be issued by the Department to persons successfully completing driver education courses approved by the Department of Education when the Department receives from the school proper certification that the student (i) has successfully completed such course, including a road skills examination and (ii) is in good academic standing and (iii) upon payment of a fee of \$2.40 per year, based on the period of the license's validity. 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.