

# VIRGINIA ACTS OF ASSEMBLY -- 1996 RECONVENED SESSION

## CHAPTER 918

*An Act to amend and reenact § 46.2-335 of the Code of Virginia, relating to academic standing and minors' eligibility for driver's licenses.*

[S 149]

Approved April 17, 1996

**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, an application for a learner's permit may, 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, when accompanied by a licensed driver ~~eighteen~~ twenty-one years of age or older *or by his parent or legal guardian or by a brother or sister eighteen years of age or older*, who is (i) actually occupying a seat beside the driver and (ii) lawfully permitted to operate a motor vehicle at that time. 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 *or, if not in such standing, whose parent, as defined in § 22.1-1, or other person standing in loco parentis, provides written authorization for the minor to obtain a driver's license*; 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, the nonpublic school principal or any of his designees, or the home schooling parent or tutor, 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 *as provided in the foregoing provisions of this section*. 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.