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HOUSE BILL NO. 839

Offered January 22, 1996

A *BILL to amend and reenact §§ 46.2-100, 46.2-212.1, 46.2-324, 46.2-332, 46.2-402, 46.2-416, 46.2-499, 46.2-606, 46.2-698, 46.2-738, and 46.2-1053 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-216.2, relating to administrative functions at the Department of Motor Vehicles.*

Patrons—Rollison, Albo, Callahan, Drake, Dudley, Guest, Hamilton, Hargrove, Harris, Howell, Katzen, May, Nelms, O'Brien, Purkey, Robinson, Ruff, Wardrup and Way

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-212.1, 46.2-324, 46.2-332, 46.2-402, 46.2-416, 46.2-499, 46.2-606, 46.2-698, 46.2-738, and 46.2-1053 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-216.2 as follows:

§ 46.2-100. Definitions.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations which transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"Bicycle" means a device propelled solely by human power, having pedals, two or more wheels, and a seat height of more than twenty-five inches from the ground when adjusted to its maximum height. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a bicycle shall be a vehicle while operated on the highway.

"Business district" means the territory contiguous to a highway where seventy-five percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle which has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U. S. Veterans Administration. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: (i) central visual acuity of 20/200 or less in the better eye, with corrective lenses,

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60 or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has
61 contracted to such an extent that the widest diameter of visual field subtends an angular distance no
62 greater than twenty degrees in the better eye.

63 "Driver's license" means any license, including a commercial driver's license as defined in the
64 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the
65 Commonwealth authorizing the operation of a motor vehicle.

66 "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of
67 which will tend to conceal the identity of a vehicle.

68 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural
69 implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery
70 and implements including self-propelled mowers designed and used for mowing lawns.

71 "Federal safety requirements" means applicable provisions of the National Traffic and Motor Vehicle
72 Safety Act of 1966 as amended (15 U.S.C. § 1381 et seq.) and all administrative regulations and policies
73 adopted pursuant thereto.

74 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred
75 arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided
76 for in § 46.2-472.

77 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United States,
78 which was not manufactured in accordance with the National Traffic and Motor Vehicle Safety Act as
79 amended (15 U.S.C. § 1381 et seq.) and the policies and regulations adopted pursuant to that Act, and
80 for which a Virginia title or registration is sought.

81 "Foreign vehicle" means every motor vehicle, trailer, or semitrailer which is brought into the
82 Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer
83 and which has not been registered in the Commonwealth.

84 "Golf cart" means a self-propelled vehicle which is designed to transport persons playing golf and
85 their equipment on a golf course.

86 "Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load
87 thereon.

88 "Highway" means the entire width between the boundary lines of every way or place open to the use
89 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,
90 and, for law-enforcement purposes, the entire width between the boundary lines of all private roads or
91 private streets which have been specifically designated "highways" by an ordinance adopted by the
92 governing body of the county, city, or town in which such private roads or streets are located.

93 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral
94 curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one
95 another at, or approximately at, right angles, or the area within which vehicles traveling on different
96 highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways
97 thirty feet or more apart, then every crossing of each roadway of such divided highway by an
98 intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway
99 also includes two roadways thirty feet or more apart, then every crossing of two roadways of such
100 highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing
101 installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian
102 crosswalk.

103 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make
104 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to
105 law-enforcement databases regarding motor vehicle registration and ownership only, this term shall also
106 include city and county commissioners of the revenue and treasurers, together with their duly designated
107 deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752
108 through 46.2-754 and local ordinances enacted thereunder.

109 "License plate" means a device containing letters, numerals, or a combination of both, attached to a
110 motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the
111 Department.

112 "Light" means a device for producing illumination or the illumination produced by the device.

113 "Mobile home" means a structure, transportable in one or more sections, which in the traveling mode
114 is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is
115 320 or more square feet, and which is built on a permanent chassis and designed to be used as a
116 dwelling with or without a permanent foundation when connected to the required utilities, and includes
117 the plumbing, heating, air conditioning, and electrical systems contained therein.

118 "Moped" means a bicycle-like device with pedals and a helper motor which is rated at no more than
119 two brake horsepower and which produces speeds up to a maximum of thirty miles per hour. For
120 purposes of Chapter 8 of this title, a moped shall be a vehicle while operated on a highway.

121 "Motor home" means every private motor vehicle with a normal seating capacity of not more than

ten persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section which is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title, any device herein defined as a bicycle or a moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle included within the term "farm tractor" or "moped" as defined in this section.

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation which is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding sixty days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident student as defined in this section, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Organizational removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the placard, and shown in white on a green background; (ii) the name of the institution or organization; (iii) an identification number; (iv) an expiration date; and (v) the seal or identifying symbol of the issuing authority.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle designed and used primarily for the transportation of no more than ten persons including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602(k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693(a)(1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Permanent removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the placard, and shown in white on a blue background; (ii) the name, age, and sex of the person to whom issued; (iii) an identification number; (iv) an expiration date; and (v) the seal or other identifying symbol of the issuing authority.

"Person with a disability that limits or impairs his ability to walk" means a person who, as determined by a licensed physician: (i) cannot walk 200 feet without stopping to rest; (ii) cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair,

183 or other assistive device; (iii) is restricted by lung disease to such an extent that his forced (respiratory)
184 expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial
185 oxygen tension is less than sixty millimeters of mercury on room air at rest; (iv) uses portable oxygen;
186 (v) has a cardiac condition to the extent that his functional limitations are classified in severity as Class
187 III or Class IV according to standards set by the American Heart Association; (vi) is severely limited in
188 his ability to walk due to an arthritic, neurological, or orthopedic condition; or (vii) has some other
189 debilitating condition that, in the view of a licensed physician, limits or impairs his ability to walk.

190 "Pickup or panel truck" means every motor vehicle designed for the transportation of property and
191 having a registered gross weight of 7,500 pounds or less.

192 "Private road or driveway" means every way in private ownership and used for vehicular travel by
193 the owner and those having express or implied permission from the owner, but not by other persons.

194 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title
195 materially altered from its original construction by the removal, addition, or substitution of new or used
196 essential parts.

197 "Residence district" means the territory contiguous to a highway, not comprising a business district,
198 where seventy-five percent or more of the property contiguous to such highway, on either side of the
199 highway, for a distance of 300 feet or more along the highway is occupied by dwellings and land
200 improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or
201 buildings in use for business purposes.

202 "Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or
203 restoration except through reapplication after the expiration of the period of revocation.

204 "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular
205 travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical
206 barrier or barriers or an unpaved area.

207 "Safety zone" means the area officially set apart within a roadway for the exclusive use of
208 pedestrians and which is protected or is so marked or indicated by plainly visible signs.

209 "School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial
210 bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private
211 or parochial schools, or used for the transportation of the mentally or physically handicapped to and
212 from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a
213 specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A
214 yellow school bus may have a white roof provided such vehicle is painted in accordance with
215 regulations promulgated by the Department of Education.

216 "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a
217 motor vehicle that some part of its own weight and that of its own load rests on or is carried by another
218 vehicle.

219 "Shoulder" means that part of a highway between the portion regularly travelled by vehicular traffic
220 and the lateral curbline or ditch.

221 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or
222 runners, and supported in whole or in part by one or more skis, belts, or cleats.

223 "Specially constructed vehicle" means any vehicle which was not originally constructed under a
224 distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a
225 reconstructed vehicle as herein defined.

226 "Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter
227 configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and
228 below the rearmost axle of the power unit.

229 "Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

230 "Suspend" or "suspension" means that the document or privilege suspended has been temporarily
231 withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the
232 end of the period of suspension.

233 "Temporary removable windshield placard" means a two-sided, hooked placard which includes on
234 each side: (i) the international symbol of access at least three inches in height, centered on the placard,
235 and shown in white on a red background; (ii) the name, age, and sex of the person to whom issued; (iii)
236 an identification number; (iv) an expiration date; and (v) the seal or other identifying symbol of the
237 issuing authority.

238 "Towing and recovery operator" means a person engaged in the business of (i) removing disabled
239 vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii)
240 restoring to the highway or other location where they either can be operated or removed to other
241 locations for repair or safekeeping vehicles which have come to rest in places where they cannot be
242 operated.

243 "Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles
244 and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached

thereto.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including mobile homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer which is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 56-273; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 of this title, bicycles and mopeds shall be vehicles while operated on a highway.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. The term includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-212.1. Payments by payment devices

The Commissioner may authorize the acceptance of ~~credit cards~~ *payment devices* in lieu of money for payment of any fees, fines, penalties, and taxes collected by the Department of Motor Vehicles or agents acting on behalf of the Department. The Department may add to such payment an amount of no more than four percent of the payment as a service charge for the acceptance of a credit card.

§ 46.2-216.2 *Agreements to provide electronic documents in lieu of written documents.*

Whenever this title provides that a written certificate or other document is to be delivered to an owner, registrant, licensee, lien holder or other party by the Department or the Commissioner, the Commissioner may enter into an agreement with the owner, registrant, licensee, lien holder or other party to provide the written certificate or other document by electronic means. The electronic document may consist of all of the information included in the paper certificate or document or it may be an abstract or listing of the information held in electronic form by the Department. The Department may not require any owner, registrant, licensee, lien holder or other party to accept electronic certificates and documents. When an agreement is made to accept electronic certificates and documents, the Department will not be required to produce a written certificate or document until requested to do so by the owner, registrant, licensee, lien holder or other party.

§ 46.2-324. Applicants and license holders to notify Department of change of address.

Whenever any person, after applying for or obtaining a driver's license shall move from the address shown in the application or on the license, he shall, within thirty days, notify the Department ~~in writing~~ of his change of address.

There may be imposed upon anyone failing to comply with this section a fee of five dollars, which fee shall be used to defray the expenses incurred by the Department.

§ 46.2-332. Fees.

On and after January 1, 1990, the fee for each driver's license other than a commercial driver's license shall be two dollars and forty cents per year. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be six dollars per year. For any one or more driver's license endorsements, there shall be an additional fee of one dollar per year. For any and all driver's license classifications, there shall be an additional fee of one dollar per year. For any revalidation of a seasonal restricted commercial driver's license the fee shall be five dollars.

A re-examination fee of two dollars shall be charged for each administration of the knowledge or road skills portion of the driver's license examination. Each applicant who fails to qualify on a portion of the driver's license examination shall be charged the re-examination fee each time the knowledge or road skills examination is administered until the applicant successfully completes the examination. The fee shall be collected without deduction to the Commonwealth's driver education fund, and disposed in accordance with the provisions of § 46.2-333.

If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

No additional fee above two dollars and forty cents per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

~~One~~ *Excluding the two dollars re-examination fee, one* dollar and fifty cents of all fees collected for each original or renewal driver's license shall be paid into the driver education fund of the state treasury, and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

This section shall supersede conflicting provisions of this chapter.

§ 46.2-402. When Commissioner may suspend or revoke license for not more than one year after hearing.

A. The Commissioner may, after due hearing, after giving not less than five days' written notice by registered letter to the *most recent* address ~~given by~~ *of* the driver ~~when applying for his license on file at the Department~~, suspend or revoke for not more than one year and not thereafter reissue during the period of suspension or revocation the Virginia driver's license issued to any person whenever it is satisfactorily proved at the hearing conducted by the Commissioner or other personnel of the Department designated by him, that the licensee under charges:

1. Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or in serious property damage,

2. Is incompetent to drive a motor vehicle,

3. Suffers from mental or physical infirmities or disabilities rendering it unsafe for him to drive a motor vehicle on the highways,

4. Is habitually a reckless or negligent driver of a motor vehicle, or

5. Has committed a serious violation of the motor vehicle laws of this Commonwealth.

B. The Commissioner, in determining the propriety of suspending or revoking a license as provided in this section, may take into consideration facts and conditions antedating the issuance of the current license.

§ 46.2-416. Notice of suspension or revocation of license.

Whenever it is provided in this title that a driver's license may or shall be suspended or revoked either by the Commissioner or by a court, notice of the suspension or revocation or any certified copy of the decision or order of the Commissioner may be sent by the Department by certified mail to the driver at the ~~last known~~ *most recent* address ~~supplied by~~ *of* the driver ~~and~~ on file at the Department. If the driver has previously been notified by mail or in person of the suspension or revocation or of an impending suspension for failure to pay fines and costs pursuant to § 46.2-395, whether notice is given by the court or law-enforcement officials as provided by law, and the Department has been notified by the court that notice was so given and the fines and costs were not paid within ten days, no notice of suspension shall be sent by the Department to the driver. If the certificate of the Commissioner or someone designated by him for that purpose shows that the notice or copy has been so sent or provided, it shall be deemed prima facie evidence that the notice or copy has been sent and delivered or otherwise provided to the driver for all purposes involving the application of the provisions of this title. In the discretion of the Commissioner, service may be made as provided in § 8.01-296, which service on the driver shall be made by delivery in writing to the driver in person in accordance with subdivision 1 of § 8.01-296 by a sheriff or deputy sheriff in the county or city in which the address is located, who shall, as directed by the Commissioner, take possession of any suspended or revoked license, registration card, or set of license plates or decals and return them to the office of the Commissioner. No such service shall be made if, prior to service, the driver has complied with the requirement which caused the issuance of the decision or order. In any such case, return shall be made to the Commissioner.

In lieu of making a direct payment to sheriffs as a fee for delivery of the Department's processes, the Commissioner shall effect a transfer of funds, on a monthly basis, to the Compensation Board to be used to provide additional support to sheriffs' departments. The amount of funds so transferred shall be as provided in the general appropriation act.

§ 46.2-499. Driver's license probation.

A. The Commissioner shall place ~~any person~~ on probation for a period of six months ~~when probation is used in conjunction with any person who has been directed to attend a driver improvement clinic pursuant to the provisions of § 46.2-498~~. In addition, the Commissioner shall place any person on probation for a period of six months on receiving a record of a conviction of such person of any offense for which demerit points are assessed and the offense was committed within any driver control period imposed pursuant to § 46.2-500. Whenever a person who has been placed on probation is convicted, or found not innocent in the case of a juvenile, of any offense for which demerit points are assessed, and

the offense was committed during the probation period, the Commissioner shall suspend the person's license for a period of ninety days when six demerit points are assigned, for a period of sixty days when four demerit points are assigned, and for a period of forty-five days when three demerit points are assigned. In addition, the Commissioner shall again place the person on probation for a period of six months, effective on termination of the suspension imposed pursuant to this section.

B. Upon request, the Commissioner shall grant a restricted license during the first period of suspension imposed pursuant to subsection A of this section provided the person is otherwise eligible to be licensed. Any person whose driver's license is suspended for a second or subsequent time under subsection A of this section shall be eligible to receive a restricted driver's license only if the violation occurred within a probation period that was immediately preceded by a control period. A restricted license may be issued for any or all of the following purposes: (i) travel to and from his place of employment; (ii) travel during the hours of such person's employment if the operation of a motor vehicle is a necessary incident of such employment; (iii) travel to and from school if such person is a student; or (iv) such other medically necessary travel. Written verifications of the person's employment, continuing education or medically necessary travel shall also be required and made available to the Commissioner. Whenever a person who has been granted a restricted license pursuant to this subsection is convicted, or found not innocent in the case of a juvenile, of any offense for which demerit points are assessed, and the offense was committed during the restricted license period, the Commissioner shall suspend the person's license using the same demerit point criteria and suspension periods set forth in subsection A of this section. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

C. Whenever the Department receives notice from the court that restricted license privileges have been granted to a person who has an existing restricted license issued pursuant to subsection B of this section, the existing restricted license shall be cancelled, and the Commissioner shall suspend the person's license for the period of time remaining on the original order of suspension. No court-granted restricted license shall be issued until the end of the suspension period imposed by the Commissioner.

§ 46.2-606. Notice of change of address.

Whenever any person who has applied for or obtained the registration or title to a vehicle moves from the address shown in his application, registration card or certificate of title, he shall notify the Department in writing of his change of address within thirty days.

Anyone failing to comply with this section may be charged a fee of five dollars, to be used to cover the Department's expenses.

§ 46.2-698. Fees for farm vehicles.

A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.2-697 and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee to be paid for each farm vehicle shall not be less than fifteen dollars.

B. A farm motor vehicle is used exclusively for farm use:

1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

a. Used in the transportation of agricultural commodities, poultry, dairy products, or livestock of the farm he is working to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm he is working, or when used for any other transportation incidental to the regular operation of such farm; or

b. Used in transporting forest products, including forest materials originating on a farm or incident to the regular operation of a farm, to the farm he is working or transporting for any purpose forest products which originate on the farm he is working; or

c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by him, pursuant to a mutual cooperative agreement.

2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, or securing other household or family necessities.

C. As used in this section, the term "farm" shall include one or more farms, orchards, or ranches, but does not include a tree farm unless it is part of what otherwise is a farm.

D. The *first* application for registration of a vehicle under this section shall be made on forms provided by the Department and shall include:

1. The location and acreage of each farm on which the vehicle to be registered is to be used;

2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms and the approximate amounts produced annually;

3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for one or more of the purposes specified in subsection B of this section; and

4. Other information required by the Department.

5. *The above information is not required for the renewal of a vehicle's registration under this section.*

E. The Department shall issue appropriately designed license plates for those motor vehicles registered under this section. The design of such license plates shall be at the discretion of the Commissioner.

F. *The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on its type of operation.* It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the operation of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on any highway in the Commonwealth without first having paid the prescribed registration fee or (ii) operate or permit the operation of any motor vehicle, registered under this section, for purposes other than as provided under subsection B of this section; or (iii) operate as a for-hire vehicle.

G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under §§ 46.2-664 through 46.2-670.

H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used by volunteer rescue squad members and volunteer firefighters in responding to emergency calls, in reporting for regular duty, and in attending squad meetings and drills.

§ 46.2-738. Special license plates for amateur radio operators.

The Commissioner, on request, ~~shall~~ *may* supply any amateur radio operator licensed by the federal government or an agency thereof, and having radio transmitting and receiving equipment permanently installed in his motor vehicle, license plates bearing his official call letters.

If more than one request is made for use, as provided in this section, of license plates having the same alpha-numeric, the Department shall accept the first such application. Persons receiving amateur radio operator special license plates shall affix such plates only to vehicles to which they are the titled owner.

The Commissioner shall charge a fee of one dollar in addition to the prescribed cost of state license plates, for each set of license plates issued under the provisions of this section.

§ 46.2-1053. Equipping certain motor vehicles with sun-shading or tinting films or applications.

Notwithstanding the provisions of § 46.2-1052, a motor vehicle operated by or regularly used to transport any person with a medical condition which renders him susceptible to harm or injury from exposure to sunlight or bright artificial light may be equipped, on its windshield and any or all of its windows, with sun-shading or tinting films or applications which reduce the transmission of light into the vehicle to levels not less than thirty-five percent. Such sun-shading or tinting film when applied to the windshield of a motor vehicle shall not cause the total light transmittance to be reduced to any level less than seventy percent except for the upper five inches of such windshield or the AS-1 line, whichever is closer to the top of the windshield. Vehicles equipped with such sun-shading or tinting films shall not be operated on any highway unless, while being so operated, the driver or an occupant of the vehicle has in his possession a ~~certificate~~ *written authorization* issued by the ~~Superintendent of State Police~~ *Commissioner of the Department of Motor Vehicles* authorizing such operation. The ~~Superintendent~~ *Commissioner* shall issue such ~~certificate~~ *written authorization* only upon receipt of a signed statement from a licensed physician or licensed optometrist (i) identifying with reasonable specificity the person seeking the ~~certificate~~ *written authorization* and (ii) stating that, in the physician's or optometrist's professional opinion, the equipping of a vehicle with sun-shading or tinting films or applications is necessary to safeguard the health of the person seeking the ~~certificate~~ *written authorization*. ~~Certificates~~ *Written authorizations* issued by the ~~Superintendent~~ *Commissioner* under this section shall be valid so long as the condition requiring the use of sun-shading or tinting films or applications persists or until the vehicle is sold, whichever first occurs. Such ~~certificates~~ *written authorizations* shall permit the approval of any such vehicle upon its safety inspection as required by this chapter if such vehicle otherwise qualifies for inspection approval. In the discretion of the ~~Superintendent~~ *Commissioner*, one or more ~~certificates~~ *written authorizations* may be issued to an individual or a family. The Division of Purchases and Supply, pursuant to § 2.1-446, shall determine the proper standards for equipment or devices used to measure light transmittance through windows of motor vehicles. Law-enforcement officers shall use only such equipment or devices to measure light transmittance through windows that meet the standards established by the Division. Such measurements made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

2. That the provisions of §§ 46.2-324, 46.2-402, 46.2-416 and 46.2-606 shall become effective on January 1, 1997.