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**HOUSE BILL NO. 1402**

Offered January 10, 2008

A *BILL to amend and reenact § 46.2-325 of the Code of Virginia, relating to examination of driver's license applicants.*

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Patron—Gear

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Referred to Committee on Transportation

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

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

§ 46.2-325. Examination of applicants; waiver of Department's examination under certain circumstances.

The Department shall examine every applicant for a driver's license before issuing any license to determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without jeopardizing the safety of persons or property and (ii) if 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. Except as provided for in § 46.2-337, 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 as required by the Department's examination 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 driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, he may waive those parts of the Department's examination provided for in this section that require the applicant to drive and park a motor vehicle.

*Whenever examination of an applicant involves the use of a foreign language interpreter, such interpreter shall be one designated by the Department and any and all costs associated with the provision of the interpreter's services shall be paid by the applicant. Applicants shall not be permitted to choose their interpreter.*

INTRODUCED

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