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SENATE BILL NO. 1284

Offered January 15, 2013

A BILL to amend and reenact § 46.2-348 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-828.2 and by adding in Title 46.2 a chapter numbered 29, consisting of sections numbered 46.2-2900 through 46.2-2910, relating to the certification and regulation of escort vehicle drivers.

Patron—Newman

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-348 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-828.2 and by adding in Title 46.2 a chapter numbered 29, consisting of sections numbered 46.2-2900 through 46.2-2910, as follows:

§ 46.2-348. Fraud or false statements in applications for license; penalties.

Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a driver's license or escort vehicle driver certificate, or any renewal or duplicate thereof, or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in his application shall be guilty of a Class 2 misdemeanor. However, where the license is used, or the fact concealed, or fraud is done, with the intent to purchase a firearm or use as proof of residency under § 9.1-903, a violation of this section shall be punishable as a Class 4 felony.

§ 46.2-828.2. Impeding or disrupting vehicles operating under a valid highway hauling permit.

A. It shall be unlawful for the operator of any motor vehicle intentionally to impede or disrupt any vehicle or vehicles being operated under a valid highway hauling permit, issued under the provisions of § 46.2-1139, that requires an escort vehicle or vehicles. Any person convicted of violating this subsection is guilty of a traffic infraction and shall, in addition to a penalty assessed pursuant to § 46.2-113, be assessed four driver demerit points.

B. This section shall apply only to vehicles being operated under a valid highway hauling permit issued under the provisions of § 46.2-1139 that are either (i) traveling under police or sheriff's escort or (ii) being escorted or led by an escort vehicle driver operating an escort vehicle required by the highway hauling permit.

CHAPTER 29.

CERTIFIED ESCORT VEHICLE DRIVERS.

§ 46.2-2900. Definitions.

As used in this chapter, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"Certified escort vehicle driver" means a person, 21 years of age or older, who holds a valid driver's license and a valid escort vehicle driver certificate issued (i) by the Commonwealth or (ii) by a state whose escort vehicle driver certification program has been determined to be substantially similar to the Commonwealth's and to which the Commonwealth has extended reciprocity.

"Escort vehicle driver certificate" means a credential issued under the laws of the Commonwealth or other state authorizing the holder to escort a permitted vehicle or vehicles.

"Permitted vehicle or vehicles" means any vehicle being operated under the provisions of a valid highway hauling permit issued pursuant to § 46.2-1139 that requires that the permitted vehicle or vehicles be accompanied by a certified escort vehicle driver or drivers.

§ 46.2-2901. Certificate required.

No person shall escort any vehicle that is being moved by authority of a valid highway hauling permit requiring a certified escort vehicle driver and issued pursuant to § 46.2-1139 unless such person holds a valid driver's license and a valid escort vehicle driver certificate issued by the Commonwealth or another state that has a reciprocal agreement with the Commonwealth recognizing escort vehicle driver certificates issued by that state.

An escort vehicle driver certificate shall be deemed invalid if the certificate holder's driver's license has expired or has been suspended, revoked, or canceled.

§ 46.2-2902. Insurance to be kept in force; amount.

Each person or company providing certified escort vehicle services shall keep in force at all times valid liability insurance coverage for those classes of insurance defined in §§ 38.2-117 and 38.2-118 in the amount of at least \$750,000 that has been issued by an insurance carrier authorized to do business in the Commonwealth.

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§ 46.2-2903. Eligibility for escort vehicle driver certificate.

A Virginia escort vehicle driver certificate shall be issued only to a person who intends to provide certified vehicle escort services for a permitted vehicle and who (i) holds a valid Virginia driver's license and who is domiciled in the Commonwealth or (ii) is a nonresident who meets the requirements of § 46.2-2907 or 46.2-2908.

No person shall be eligible for a Virginia escort vehicle driver certificate until he has (i) passed the applicable training course and knowledge test required by this chapter and has satisfied all other applicable requirements imposed by the laws of the Commonwealth or (ii) has met the requirements of § 46.2-2907 or 46.2-2908.

No person shall be eligible for a Virginia escort vehicle driver certificate during any period in which his driver's license or privilege to drive is expired or is suspended, revoked, or canceled in any state or during any period wherein the restoration of his license or privilege is contingent upon the furnishing of proof of financial responsibility.

§ 46.2-2904. Certified escort vehicle driver training.

Every applicant for a Virginia escort vehicle driver certificate shall undergo and successfully complete an eight-hour training course presented by a business, organization, governmental entity, or individual that has been approved by the Department and that offers a course approved by the Department.

§ 46.2-2905. Knowledge test; waiting period prior to reexamination.

The Department shall examine every applicant for an escort vehicle driver certificate before issuing a Virginia escort vehicle driver certificate. Every applicant shall be required to take and pass an escort vehicle driver knowledge test. Prior to taking the knowledge test, the applicant shall present evidence that he has completed a state-approved escort vehicle driver certification training course pursuant to the provisions of § 46.2-2904.

Any person who applies for an escort vehicle driver certificate under § 46.2-2906 and fails the knowledge test administered pursuant to that section three times shall not be eligible for retesting for at least 30 days. A reexamination fee of \$2 shall be charged for the second and subsequent test in the same manner as provided for driver license testing under the provisions of § 46.2-332.

§ 46.2-2906. Application for escort vehicle driver certificate; driving record; proof of completion of escort vehicle driver training; fee.

A. Every application for an escort vehicle driver certificate shall be made on a form prescribed by the Department, and the applicant shall write his usual signature in ink in the space provided on the form. A person who applies for an escort vehicle driver certificate must meet the following requirements:

1. Be at least 21 years of age;
2. Hold a valid Virginia driver's license or a valid driver's license for another state;
3. Authorize the Department to review his driving record;
4. Present satisfactory proof of successful completion of an eight-hour escort vehicle driver certification training course, as required by § 46.2-2904;
5. Pass the escort vehicle driver certification knowledge test as required by § 46.2-2905 with a score of 80 percent or higher; and
6. Pay the appropriate fee for certificate issuance.

B. Every application shall state the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. The applicant shall also answer any questions on the application form, or otherwise propounded, and provide any other information as required by the Department incidental to the application.

C. The Commissioner shall require that each application include a certification statement, to be signed by the applicant under penalty of perjury, certifying that the information presented on the application is true and correct. If the applicant fails or refuses to sign the certification statement, the Department shall not issue the applicant an escort vehicle driver certificate.

Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be punished as provided in § 46.2-348.

§ 46.2-2907. Nonresident; extensions of reciprocal privileges.

A nonresident age 21 years or older who has been duly licensed as a driver under a law regulating the licensure of drivers in his home state and who has in his immediate possession a valid driver's license and a valid escort vehicle driver certificate issued to him in his home state, where such state's escort vehicle driver certification program has been determined to be substantially similar to the Commonwealth's and to which the Commonwealth has extended reciprocity, shall be permitted without a Virginia license or a Virginia escort vehicle driver certificate to escort a permitted vehicle or vehicles on the highways of the Commonwealth. Such nonresident shall be exempt from the escort vehicle driver certification eligibility, training, and testing requirements of this chapter.

If such nonresident desires to also hold a Virginia escort vehicle driver certificate, in addition to the

valid certificate issued to him by his home state, he must then meet all of the Virginia escort vehicle driver certification eligibility, training, and testing requirements of this chapter.

§ 46.2-2908. Nonresident; issuance of Virginia escort vehicle driver certificate; nonreciprocal state.

A nonresident who has not been issued an escort vehicle driver certificate in his home state but who has in his immediate possession a valid driver's license issued by his home state may be certified through Virginia's Escort Vehicle Driver Certification Program. Such nonresident must meet all escort vehicle driver certification eligibility, training, and testing requirements of this chapter.

A nonresident who has in his immediate possession a valid driver's license and valid escort vehicle driver certificate issued to him by his home state, to which state's escort vehicle driver certification program the Commonwealth has not extended reciprocity, may be certified through Virginia's Escort Vehicle Driver Certification Program. Such nonresident must meet all escort vehicle driver certification eligibility, training, and testing requirements of this chapter.

§ 46.2-2909. Issuance, expiration and renewal of certificate; fees.

The fee for issuance of an original or renewal escort vehicle driver certificate shall be \$5 for each year of validity. The certificate shall be valid for five years and expire on the last day of the month of issuance. Notwithstanding this limitation, the Commissioner may extend the validity period of an expiring certificate if (i) the Department is unable to process an application for renewal due to circumstances beyond its control or (ii) the extension has been authorized under a directive from the Governor. However, in no case shall the validity period be extended more than 90 days per occurrence of such conditions.

Persons who wish to renew an escort vehicle driver certificate shall successfully pass the escort vehicle driver certification knowledge test prior to recertification.

§ 46.2-2910. Certified escort vehicle drivers; duties and responsibilities.

A. Each certified escort vehicle driver shall have in his possession his escort vehicle driver certificate and proof of insurance while escorting a permitted vehicle. The driver's certificate, driver's license, and proof of insurance must be presented when requested by any Department of Motor Vehicles size and weight compliance agent, law-enforcement officer, or Department of Transportation official. Failure of the certified escort vehicle driver to have the certificate, driver's license, or proof of insurance in his possession while escorting a permitted vehicle or load may cause the movement of the permitted vehicle to be interrupted until properly credentialed escort services can be obtained.

B. The driver of an escort vehicle shall comply with all applicable traffic laws and with the requirements of this chapter when escorting a permitted vehicle or vehicles on all roads within the Commonwealth.

2. That the provisions of this act shall become effective on January 1, 2014.