

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 46.2-205.2, 46.2-214, 46.2-328, and 46.2-330 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-214.4, relating to transactions with the Department of Motor Vehicles.

[H 417]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-205.2, 46.2-214, 46.2-328, and 46.2-330 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-214.4 as follows:

§ 46.2-205.2. Agreements with other agencies or contractors for other agencies; collection of fees.

The Commissioner may enter into an agreement with an agency of the Commonwealth, any other state, or the federal government, *or where the underlying contract permits, a contractor for such state or federal agency*, to conduct customer service transactions on behalf of that agency for the benefit of Virginia residents. For each such transaction conducted, the Department shall collect from the customer any transaction fee required by the responsible agency *or contractor* and remit the same to that agency *or contractor* in accordance with the terms of the agreement. *However, the Department may receive a portion of the transaction fee required by the responsible agency or contractor in accordance with the terms of the agreement in order to defray the costs of the transaction to the Department.* The Department may also impose and collect a processing fee to be used to defray the costs of the transaction to the Department. The amount of the processing fee, if imposed, shall be \$2, unless otherwise specified by law. *Any transaction fees received from the responsible agency or contractor or processing fees imposed and collected by the Department from the agency, contractor, or customer under this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.*

For purposes of this section, "state," when applied to a part of the United States, means any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, and the United States Virgin Islands.

§ 46.2-214. Charges for information supplied by Department.

The Commissioner may make a reasonable charge for furnishing information under this title, but no fee shall be charged to any official of the Commonwealth, including court and police officials; officials of counties, cities, ~~and~~ or towns; local government group self-insurance pools; ~~and~~ or court, police, ~~and~~ or licensing officials of other states ~~and~~ or of the federal government, provided that the information requested is for official use *and such officials do not charge the Commonwealth a fee for the provision of the same or substantially similar information.* The fees received by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

§ 46.2-214.4. Discount for online transactions.

The Department may offer a \$1 discount for the following transactions if conducted using the Internet: (i) a driver's license renewal pursuant to § 46.2-330, (ii) a driver's license duplicate or reissue pursuant to § 46.2-343, (iii) an identification card renewal pursuant to § 46.2-345, (iv) an identification card duplicate or reissue pursuant to § 46.2-345, or (v) a certificate of title replacement pursuant to § 46.2-607.

§ 46.2-328. Department to issue licenses; endorsements, classifications, and restrictions authorizing operation of certain vehicles.

A. The Department shall issue to every person licensed as a driver, a driver's license. Every driver's license shall contain all appropriate endorsements, classifications, and restrictions, where applicable, if the licensee has been licensed:

1. To operate a motorcycle as defined in § 46.2-100; ~~or~~;
2. To operate a school bus as defined in § 46.2-100; ~~or~~;
3. To operate a commercial motor vehicle pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.); *or*
4. To operate a passenger car as defined in § 46.2-100.

B. Every applicant intending to operate one or more of the motor vehicles described in subsection A of this section, when applying for a driver's license, shall state in his application the classification of the

57 *each vehicle or vehicles* that he intends to operate and for which he seeks to be licensed and submit to  
 58 and pass the examination provided for in § 46.2-325 and, if applicable, §§ 46.2-337 and 46.2-341.14,  
 59 using the type of *each vehicle or vehicles* for which he seeks to be licensed.

60 C. Every applicant intending to drive a motorcycle, when applying for a classification to authorize  
 61 the driving of a motorcycle, shall submit to and pass the examination provided for in § 46.2-337. A  
 62 classification on any license to drive a motorcycle shall indicate that the license is classified for the  
 63 purpose of authorizing the licensee to drive only motorcycles and shall indicate as applicable a further  
 64 restriction to a two-wheeled motorcycle only or a three-wheeled motorcycle only. However, if the  
 65 applicant has a valid license at the time of application for a classification to drive a motorcycle, or if the  
 66 applicant, at the time of such application, applies for a regular driver's license and submits to and passes  
 67 the examination provided for in § 46.2-325, he shall be granted a classification on his license to drive  
 68 motorcycles based on the applicable restrictions, in addition to any other vehicles his driver's license or  
 69 commercial driver's license may authorize him to operate.

70 A valid Virginia driver's license issued to a person 19 years of age or older shall constitute a driver's  
 71 license with a temporary motorcycle classification for the purposes of driving a motorcycle if the  
 72 driver's license is accompanied by either (i) documentation verifying his successful completion of a  
 73 motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et  
 74 seq.) of Chapter 10 or (ii) documentation that the license holder is a member, the spouse of a member,  
 75 or a dependent of a member of the United States Armed Services and that the license holder has  
 76 successfully completed a basic motorcycle rider course approved by the United States Armed Services.  
 77 The temporary motorcycle classification shall only be valid for 30 days from the date of successful  
 78 completion of the motorcycle rider safety training course as shown on the documentation evidencing  
 79 completion of such course. The temporary motorcycle classification shall indicate whether the license  
 80 holder is authorized to operate any motorcycle or is restricted to either a two-wheeled motorcycle only  
 81 or a three-wheeled motorcycle only.

82 Any person who holds a valid Virginia driver's license and is a member, the spouse of a member, or  
 83 a dependent of a member of the United States Armed Services shall be issued a motorcycle  
 84 classification by mail upon documentation of (a) successful completion of a basic motorcycle rider  
 85 course approved by the United States Armed Services and (b) documentation of his assignment outside  
 86 the Commonwealth.

87 D. The Department may make any changes in the classifications and endorsements during the  
 88 validity of the license as may be appropriate.

89 E. The provisions of this section shall be applicable to persons applying for learner's permits as  
 90 otherwise provided for in this title.

91 F. Every person issued a driver's license or commercial driver's license who drives any motor vehicle  
 92 of the classifications in this section, and whose driver's license does not carry an endorsement or  
 93 indication that the licensee is licensed as provided in this section ~~shall be~~ *is* guilty of a Class 1  
 94 misdemeanor.

95 **§ 46.2-330. Expiration and renewal of licenses; examinations required.**

96 A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for  
 97 which a driver's license has been issued. At no time shall any driver's license be issued for more than  
 98 eight years. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and  
 99 shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's  
 100 license issued to a person age 75 or older shall be issued for a period not to exceed five years.  
 101 Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring  
 102 license if (i) the Department is unable to process an application for renewal due to circumstances  
 103 beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii)  
 104 the license was not issued as a temporary driver's license under the provisions of subsection B of  
 105 § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per  
 106 occurrence of such conditions. In determining the number of years for which a driver's license shall be  
 107 renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and  
 108 other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any  
 109 driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title  
 110 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible  
 111 by five.

112 B. Within one year prior to the date shown on the driver's license as the date of expiration, the  
 113 Department shall send notice, to the holder thereof, at the address shown on the records of the  
 114 Department in its driver's license file, that his license will expire on a date specified therein, whether he  
 115 must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the  
 116 period of validity of the driver's license beyond its expiration date. The license holder may request the  
 117 Department to send such renewal notice to an email or other electronic address, upon provision of such

118 address to the Department.

119 Any driver's license may be renewed by application after the applicant has taken and successfully  
120 completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia  
121 Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the  
122 parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person  
123 for renewal of a license shall take and successfully complete the examination each renewal year. Every  
124 applicant for a renewal shall appear in person before the Department, unless specifically notified by the  
125 Department that renewal may be accomplished in another manner as provided in the notice. Applicants  
126 who are required to appear in person before the Department to apply for a renewal may also be required  
127 to present proof of identity, legal presence, residency, and social security number or non-work  
128 authorized status.

129 C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may  
130 require any applicant for renewal to be fully examined as provided in §§ 46.2-311; *and* 46.2-325; and  
131 the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less  
132 than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of  
133 a driver's license ~~which~~ *that* is not a commercial driver's license; and the requirement ~~of~~ *for* the taking  
134 of the written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial  
135 Driver's License Act (§ 46.2-341.1 et seq.); ~~for any applicant for renewal who is at least 21 years old.~~  
136 ~~Such written test shall not be waived for an applicant less than 21 years old if such applicant's driver's~~  
137 ~~license record on file with the Department contains a record of one or more convictions for any offense~~  
138 ~~reportable under §§ 46.2-382, 46.2-382.1, and 46.2-383.~~ However, in no case shall there be any waiver  
139 of the vision examination for applicants for renewal of a commercial driver's license or of the  
140 knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials  
141 endorsement on a commercial driver's license. No driver's license or learner's permit issued to any  
142 person who is 75 years old or older shall be renewed unless the applicant for renewal appears in person  
143 and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within  
144 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or  
145 exceeds the standards contained in § 46.2-311.

146 D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent  
147 on any examination of the applicant, shall appear in person before the Department to apply for renewal,  
148 unless specifically notified by the Department that renewal may be accomplished in another manner as  
149 provided in the notice.

150 E. This section shall not modify the provisions of § 46.2-221.2.

151 F. 1. The Department shall electronically transmit application information, including a photograph, to  
152 the Department of State Police, in a format approved by the State Police, for comparison with  
153 information contained in the Virginia Criminal Information Network and National Crime Information  
154 Center Convicted Sexual Offender Registry ~~Files files~~, at the time of the renewal of a driver's license.  
155 Whenever it appears from the records of the State Police that a person has failed to comply with the  
156 duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall  
157 promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant  
158 or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the  
159 person last registered or reregistered or in the jurisdiction where the person made application for  
160 licensure. The Department of State Police shall electronically transmit to the Department, in a format  
161 approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1,  
162 registry information consisting of the person's name, all aliases that he has used or under which he may  
163 have been known, his date of birth, and *his* social security number as set out in § 9.1-903.

164 2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not  
165 waive the requirement that each such person shall appear for each renewal or the requirement to obtain  
166 a photograph in accordance with subsection C of § 46.2-323.