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HOUSE BILL NO. 2025

Offered January 9, 2019

Prefiled January 7, 2019

A *BILL to amend and reenact §§ 2.2-3705.7, 2.2-3808.1, 4.1-305, 8.01-313, 8.01-420.8, 8.9A-503, 12.1-19, 16.1-69.40:1, 16.1-228, 17.1-293, 18.2-6, 18.2-268.1, 19.2-258.1, 20-60.3, 20-107.1, 22.1-205, 24.2-410.1, 24.2-411.1, 24.2-416.7, 24.2-643, 32.1-291.2, 33.2-613, 38.2-2212, 46.2-328.1, 46.2-330, 46.2-332, 46.2-333.1, 46.2-335, 46.2-343, 58.1-3, 59.1-442, 59.1-443.3, 63.2-1916, and 63.2-1941 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-328.3, relating to driver privilege cards; penalty.*

Patrons—Tran, Guzman, Lopez, Adams, D.M., Aird, Carter, Gooditis, Hope, Jones, J.C., Kory, Krizek, Levine, Murphy, Plum, Rasoul, Roem, Toscano and VanValkenburg; Senator: McClellan

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.7, 2.2-3808.1, 4.1-305, 8.01-313, 8.01-420.8, 8.9A-503, 12.1-19, 16.1-69.40:1, 16.1-228, 17.1-293, 18.2-6, 18.2-268.1, 19.2-258.1, 20-60.3, 20-107.1, 22.1-205, 24.2-410.1, 24.2-411.1, 24.2-416.7, 24.2-643, 32.1-291.2, 33.2-613, 38.2-2212, 46.2-328.1, 46.2-330, 46.2-332, 46.2-333.1, 46.2-335, 46.2-343, 58.1-3, 59.1-442, 59.1-443.3, 63.2-1916, and 63.2-1941 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-328.3 as follows:

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by

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58 the political subdivision.

59 6. Information furnished by a member of the General Assembly to a meeting of a standing
60 committee, special committee, or subcommittee of his house established solely for the purpose of
61 reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of
62 formulating advisory opinions to members on standards of conduct, or both.

63 7. Customer account information of a public utility affiliated with a political subdivision of the
64 Commonwealth, including the customer's name and service address, but excluding the amount of utility
65 service provided and the amount of money charged or paid for such utility service.

66 8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development
67 Authority concerning individuals who have applied for or received loans or other housing assistance or
68 who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by
69 the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the
70 waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and
71 housing authority created pursuant to § 36-4 concerning persons participating in or persons on the
72 waiting list for housing assistance programs funded by local governments or by any such authority; or
73 (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other
74 local government agency concerning persons who have applied for occupancy or who have occupied
75 affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's
76 own information shall not be denied.

77 9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if
78 disclosure of such information would have a detrimental effect upon the negotiating position of a
79 governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

80 10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled
81 plant and animal species, natural communities, caves, and significant historic and archaeological sites if,
82 in the opinion of the public body that has the responsibility for such information, disclosure of the
83 information would jeopardize the continued existence or the integrity of the resource. This exclusion
84 shall not apply to requests from the owner of the land upon which the resource is located.

85 11. Memoranda, graphics, video or audio tapes, production models, data, and information of a
86 proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a
87 specific lottery game design, development, production, operation, ticket price, prize structure, manner of
88 selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of
89 drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such
90 information not been publicly released, published, copyrighted, or patented. Whether released, published,
91 or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon
92 the first day of sales for the specific lottery game to which it pertains.

93 12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local
94 retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a
95 trust established by one or more local public bodies to invest funds for post-retirement benefits other
96 than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the
97 board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of
98 visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the
99 Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or
100 disposition of a security or other ownership interest in an entity, where such security or ownership
101 interest is not traded on a governmentally regulated securities exchange, if disclosure of such
102 information would (i) reveal confidential analyses prepared for the board of visitors of the University of
103 Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared
104 by the retirement system, a local finance board or board of trustees, or the Virginia College Savings
105 Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia
106 College Savings Plan under a promise of confidentiality of the future value of such ownership interest or
107 the future financial performance of the entity and (ii) have an adverse effect on the value of the
108 investment to be acquired, held, or disposed of by the retirement system, a local finance board or board
109 of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of
110 William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be
111 construed to prevent the disclosure of information relating to the identity of any investment held, the
112 amount invested, or the present value of such investment.

113 13. Financial, medical, rehabilitative, and other personal information concerning applicants for or
114 recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority
115 under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

116 14. Information held by the Virginia Commonwealth University Health System Authority pertaining
117 to any of the following: an individual's qualifications for or continued membership on its medical or
118 teaching staffs; proprietary information gathered by or in the possession of the Authority from third
119 parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in

awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the *federal* Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction*, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child abuse teams established pursuant to § 15.2-1627.5. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the

strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

§ 2.2-3808.1. Agencies' disclosure of certain account information prohibited.

Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of this title, it shall be unlawful for any agency to disclose the social security number or other identification numbers appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to an agency for the purpose of paying fees, fines, taxes, or other charges collected by such agency. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

§ 4.1-305. Purchasing or possessing alcoholic beverages unlawful in certain cases; venue; exceptions; penalty; forfeiture; deferred proceedings; treatment and education programs and services.

A. No person to whom an alcoholic beverage may not lawfully be sold under § 4.1-304 shall consume, purchase or possess, or attempt to consume, purchase or possess, any alcoholic beverage, except (i) pursuant to subdivisions 1 through 7 of § 4.1-200; (ii) where possession of the alcoholic beverages by a person less than 21 years of age is due to such person's making a delivery of alcoholic beverages in pursuance of his employment or an order of his parent; or (iii) by any state, federal, or local law-enforcement officer or his agent when possession of an alcoholic beverage is necessary in the performance of his duties. Such person may be prosecuted either in the county or city in which the alcohol was possessed or consumed, or in the county or city in which the person exhibits evidence of physical indicia of consumption of alcohol. It shall be an affirmative defense to a charge of a violation of this subsection if the defendant shows that such consumption or possession was pursuant to subdivision 7 of § 4.1-200.

B. No person under the age of 21 years shall use or attempt to use any (i) altered, fictitious, facsimile or simulated license to operate a motor vehicle; (ii) altered, fictitious, facsimile or simulated document, including, but not limited to a birth certificate or student identification card; or (iii) motor vehicle operator's driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, birth certificate or student identification card of another person in order to establish a false identification or false age for himself to consume, purchase or attempt to consume or purchase an alcoholic beverage.

C. Any person found guilty of a violation of this section shall be guilty of a Class 1 misdemeanor, and upon conviction, (i) such person shall be ordered to pay a mandatory minimum fine of \$500 or ordered to perform a mandatory minimum of 50 hours of community service as a condition of probation supervision and (ii) the license to operate a motor vehicle in the Commonwealth of any such person age 18 or older shall be suspended for a period of not less than six months and not more than one year; the license to operate a motor vehicle in the Commonwealth of any juvenile shall be handled in accordance with the provisions of § 16.1-278.9. The court, in its discretion and upon a demonstration of hardship, may authorize an adult convicted of a violation of this section the use of a restricted permit license to operate a motor vehicle in accordance with the provisions of subsection E of § 18.2-271.1 or when referred to a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1. During the period of license suspension, the court may require an adult who is issued a restricted permit license under the provisions of this subsection to be (a) monitored by an alcohol safety action program; or (b) supervised by a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been established for the locality. The alcohol safety action program or local community-based probation services agency shall report to the court any violation of the terms of the restricted permit license, the required alcohol safety action program monitoring or local community-based probation services and any condition related thereto or any failure to remain alcohol-free during the suspension period.

D. Any alcoholic beverage purchased or possessed in violation of this section shall be deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-338.

E. Any retail licensee who in good faith promptly notifies the Board or any state or local law-enforcement agency of a violation or suspected violation of this section shall be accorded immunity from an administrative penalty for a violation of § 4.1-304.

F. When any adult who has not previously been convicted of underaged consumption, purchase or possession of alcoholic beverages in Virginia or any other state or the United States is before the court, the court may, upon entry of a plea of guilty or not guilty, if the facts found by the court would justify a finding of guilt of a violation of subsection A, without entering a judgment of guilt and with the

consent of the accused, defer further proceedings and place him on probation subject to appropriate conditions. Such conditions may include the imposition of the license suspension and restricted license provisions in subsection C. However, in all such deferred proceedings, the court shall require the accused to enter a treatment or education program or both, if available, that in the opinion of the court best suits the needs of the accused. If the accused is placed on local community-based probation, the program or services shall be located in any of the judicial districts served by the local community-based probation services agency or in any judicial district ordered by the court when the placement is with an alcohol safety action program. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, (ii) certified by the Commission on VASAP, or (iii) by a program or services made available through a community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been established for the locality. When an offender is ordered to a local community-based probation services rather than the alcohol safety action program, the local community-based probation services agency shall be responsible for providing for services or referring the offender to education or treatment services as a condition of probation.

Upon violation of a condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the conditions, the court shall discharge the person and dismiss the proceedings against him without an adjudication of guilt. A discharge and dismissal hereunder shall be treated as a conviction for the purpose of applying this section in any subsequent proceedings.

When any juvenile is found to have committed a violation of subsection A, the disposition of the case shall be handled according to the provisions of Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1.

§ 8.01-313. Specific addresses for mailing by statutory agent.

A. For the statutory agent appointed pursuant to §§ 8.01-308 and 8.01-309, the address for the mailing of the process as required by § 8.01-312 shall be the last known address of the nonresident or, where appropriate under subdivision B 1 or 2 of § 8.01-310 B, of the executor, administrator, or other personal representative of the nonresident. However, upon the filing of an affidavit by the plaintiff that he does not know and is unable with due diligence to ascertain any post-office address of such nonresident, service of process on the statutory agent shall be sufficient without the mailing otherwise required by this section. Provided further that:

1. In the case of a nonresident defendant licensed by the Commonwealth to operate a motor vehicle, the last address reported by such defendant to the Department of Motor Vehicles as his address on an application for or renewal of a ~~driver's license~~ *driving privileges* shall be deemed to be the address of the defendant for the purpose of the mailing required by this section if no other address is known, and, in any case in which the affidavit provided for in § 8.01-316 of ~~this chapter~~ is filed, such a defendant, by so notifying the Department of such an address, and by failing to notify the Department of any change therein, shall be deemed to have appointed the Commissioner of the Department of Motor Vehicles his statutory agent for service of process in an action arising out of operation of a motor vehicle by him in the Commonwealth, and to have accepted as valid service such mailing to such address; or

2. In the case of a nonresident defendant not licensed by the Commonwealth to operate a motor vehicle, the address shown on the copy of the report of accident required by § 46.2-372 filed by or for him with the Department, and on file at the office of the Department, or the address reported by such a defendant to any state or local police officer, or sheriff investigating the accident sued on, if no other address is known, shall be conclusively presumed to be a valid address of such defendant for the purpose of the mailing provided for in this section, and his so reporting of an incorrect address, or his moving from the address so reported without making provision for forwarding to him of mail directed thereto, shall be deemed to be a waiver of notice and a consent to and acceptance of service of process served upon the Commissioner of the Department of Motor Vehicles as provided in this section.

B. For the statutory agent appointed pursuant to § 64.2-1426, the address for the mailing of process as required by § 8.01-312 shall be the address of the fiduciary's statutory agent as contained in the written consent most recently filed with the clerk of the circuit court wherein the qualification of such fiduciary was had or, in the event of the death, removal, resignation or absence from the Commonwealth of such statutory agent, or in the event that such statutory agent cannot with due diligence be found at such address, the address of the clerk of such circuit court.

§ 8.01-420.8. Protection of confidential information in court files.

A. Whenever a party files, or causes to be filed, with the court a motion, pleading, subpoena, exhibit, or other document containing a social security number or other identification number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or on a credit card, debit card, bank account, or other electronic billing and payment system, the party shall make reasonable efforts to redact all but the last four digits of the identification number.

B. The provisions of subsection A apply to all civil actions in circuit and district court, unless there is a specific statute to the contrary that applies to the particular type of proceeding in which the party is involved.

C. Nothing in this section shall create a private cause of action against the party or lawyer who filed the document or any court personnel, the clerk, or any employees of the clerk's office who received it for filing.

§ 8.9A-503. Name of debtor and secured party.

(a) Sufficiency of debtor's name. A financing statement sufficiently provides the name of the debtor:

(1) except as otherwise provided in paragraph (3), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name that is stated to be the registered organization's name on the public organic record most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which purports to state, amend, or restate the registered organization's name;

(2) subject to subsection (f), if the collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that the collateral is being administered by a personal representative;

(3) if the collateral is held in a trust that is not a registered organization, only if the financing statement:

(A) provides, as the name of the debtor:

(i) if the organic record of the trust specifies a name for the trust, the name specified; or

(ii) if the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(B) in a separate part of the financing statement:

(i) if the name is provided in accordance with subparagraph (A)(i), indicates that the collateral is held in trust; or

(ii) if the name is provided in accordance with subparagraph (A)(ii), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(4) subject to subsection (g), if the debtor is an individual to whom the Commonwealth has issued a driver's license or ~~identification card~~ pursuant to other document under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 that has not expired, only if it provides the name of the individual which is indicated on the driver's license or ~~identification card~~ other document;

(5) if the debtor is an individual to whom paragraph (4) does not apply, only if it provides the individual name of the debtor or the surname and first personal name of the debtor; and

(6) in other cases:

(A) if the debtor has a name, only if it provides the organizational name of the debtor; and

(B) if the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

(b) Additional debtor-related information. A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:

(1) a trade name or other name of the debtor; or

(2) unless required under subsection (a)(6)(B), names of partners, members, associates, or other persons comprising the debtor.

(c) Debtor's trade name insufficient. A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) Representative capacity. Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) Multiple debtors and secured parties. A financing statement may provide the name of more than one debtor and the name of more than one secured party.

(f) Name of decedent. The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under subsection (a)(2).

(g) Multiple driver's licenses. If the Commonwealth has issued to an individual more than one driver's license or ~~identification card~~ other document of a kind described in subsection (a)(4), the one that was issued most recently is the one to which subsection (a)(4) refers.

(h) Definition. In this section, the "name of the settlor or testator" means:

(1) if the settlor is a registered organization, the name of the registered organization indicated on the public organic record filed with or issued or enacted by the registered organization's jurisdiction of organization; or

(2) in other cases, the name of the settlor or testator indicated in the trust's organic record.

§ 12.1-19. Duties of clerk; records; copies; personal identifiable information; records related to the administrative activities of the Commission; unauthorized filings.

A. The clerk of the Commission shall:

1. Keep a record of all the proceedings, orders, findings, and judgments of the public sessions of the Commission, and the minutes of the proceedings of each day's public session shall be read and approved by the Commission and signed by its chairman, or acting chairman;

2. Subject to the supervision and control of the Commission, have custody of and preserve all of the records, documents, papers, and files of the Commission, or which may be filed before it in any complaint, proceeding, contest, or controversy, and such records, documents, papers, and files shall be open to public examination in the office of the clerk to the same extent as the records and files of the courts of this Commonwealth;

3. When requested, make and certify copies from any record, document, paper, or file in the clerk's office, and if required, affix the seal of the Commission (or a facsimile thereof) thereto, and otherwise furnish and certify information from the Commission records by any means the Commission may deem suitable; and, except when made at the instance of the Commission or on behalf of the Commonwealth, a political subdivision of the Commonwealth, or the government of the United States, the clerk shall charge and collect the fees fixed by §§ 12.1-21.1 and 12.1-21.2; and any such copy or information, so certified, shall have the same faith, credit, and legal effect as copies made and certified by the clerks of the courts of this Commonwealth from the records and files thereof;

4. Certify all allowances made by the Commission to be paid out of the public treasury for witness fees, service of process, or other expenses;

5. Issue all notices, writs, processes, or orders awarded by the Commission, or authorized by law, or by the rules of the Commission;

6. Receive all fines and penalties imposed by the Commission, all moneys collected on judgments, all registration fees required by law to be paid by corporations, limited liability companies, and other types of business entities, including delinquencies thereof, and all other fees collected by the Commission, and shall keep an accurate account of the same and the disposition of such receipts and shall, at least once in every 30 days during the clerk's term of office, render a statement of all such receipts and collections to the Comptroller, and pay the same into the treasury of the Commonwealth, and shall keep all such other accounts of such collections and disbursements, and shall make all such other reports thereof as may be required by law or by the regulations prescribed by the Comptroller; and

7. Generally have the powers, discharge the functions, and perform the duties of a clerk of a court of record in all matters within the jurisdiction of the Commission. The Commission may designate one or more deputies or assistants of the clerk who may discharge any of the clerk's official duties during the clerk's continuance in office.

B. A person who prepares or submits to the office of the clerk of the Commission a document or any information for filing with the Commission pursuant to Title 8.9A, Title 13.1, or Title 50 is responsible for ensuring that the document or information does not contain any personal identifiable information, unless such information is otherwise publicly available or is required or authorized by law to be included in the document or information provided. For purposes of this subsection, "personal identifiable information" means (i) a social security number or any other numbers appearing on driver's licenses or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction; (ii) information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems; (iii) a date of birth identified with a particular individual; (iv) the maiden name of an individual's parent; or (v) any financial account number. Any person who prepares or submits to the office of the clerk a document for filing that contains personal identifiable information shall be deemed to have authorized the clerk or any member of the clerk's staff to remove, delete, or obliterate, without prior notice, such information prior or subsequent to recording or filing the document in the office of the clerk. Nothing in this subsection shall be deemed to require the clerk to alter any document submitted for filing. The clerk may refuse to accept for filing any document that includes personal identifiable information and return it for modification or explanation. The Commission, its members, the clerk of the Commission, and any member of the clerk's staff are immune from liability in any proceeding arising from any acts or omissions in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under statutory or common law.

C. 1. The Commission shall make available for public inspection records related to the administrative activities of the Commission.

2. Disclosure of such records shall not be required, however, if (i) such records are otherwise covered by applicable legal privileges, (ii) disclosure of such records could threaten the safety or security of the Commission's employees, physical plant, or information technology assets or data, or (iii) such records are not publicly available from other public entities under the laws of the Commonwealth,

including §§ 2.2-3705.1 and 2.2-4342.

3. Records held by the clerk of the Commission related to business entities shall be made public or held confidential in accordance with laws and regulations applicable specifically to such records.

4. The Commission shall respond within five business days of receiving requests for administrative records. If it is impracticable to provide the records requested within such time period, the Commission shall notify the requester that an additional seven business days will be required, unless due to the scope of the records requested or length of search necessary to locate them the Commission requires additional time, which shall not be unreasonable in length. When any such requested records are not provided, the Commission shall notify the requester of the basis of the denial.

5. As used in this subsection, "administrative activities" means matters related to the Commission's operational responsibilities and operational functions, including its revenues, expenditures, financial management and budgetary practices, personnel policies and practices, and procurement policies and practices. "Administrative activities" shall not include the Commission's formal or informal regulatory or legal proceedings or activities, records related to which shall be governed, inter alia, by laws and regulations applicable specifically to such regulatory and legal proceedings or activities, or in accordance with applicable legal privileges.

D. Notwithstanding any other provision of law, the clerk may review the circumstances surrounding the execution or delivery of any document associated with any business entity of record in the office of the clerk that was submitted for filing under a business entity statute administered by the Commission pursuant to Title 13.1 or Title 50. If the clerk determines that the person who executed or delivered the document was without authority to act on behalf of the business entity, the clerk is authorized (i) to refuse to accept the document for filing or (ii) if the document has been filed, to summarily remove the document and any documents and data related to the filing from the records in the office of the clerk, correct such records, and provide notice to any business entity affected by the filing. The Commission, its members, the clerk of the Commission, and any member of the clerk's staff are immune from liability in any proceeding arising from any acts or omissions in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under statutory or common law.

§ 16.1-69.40:1. Traffic infractions within authority of traffic violations clerk; schedule of fines; prepayment of local ordinances.

A. The Supreme Court shall by rule, which may from time to time be amended, supplemented or repealed, but which shall be uniform in its application throughout the Commonwealth, designate the traffic infractions for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted. Such designated infractions shall include violations of §§ 46.2-830.1, 46.2-878.2 and 46.2-1242 or any parallel local ordinances. Notwithstanding any rule of the Supreme Court, a person charged with a traffic offense that is listed as prepayable in the Uniform Fine Schedule may prepay his fines and costs without court appearance whether or not he was involved in an accident. The prepayable fine amount for a violation of § 46.2-878.2 shall be \$200 plus an amount per mile-per-hour in excess of posted speed limits, as authorized in § 46.2-878.3.

Such infractions shall not include:

1. Indictable offenses;

2. [Repealed.]

3. Operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug, or permitting another person, who is under the influence of intoxicating liquor or a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his custody or control;

4. Reckless driving;

5. Leaving the scene of an accident;

6. Driving while under suspension or revocation of ~~driver's license~~ *driving privileges*;

7. Driving without being licensed to drive.

8. [Repealed.]

B. An appearance may be made in person or in writing by mail to a clerk of court or in person before a magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a waiver of trial and a plea of guilty and pay the fine and any civil penalties established for the offense charged, with costs. He shall, prior to the plea, waiver, and payment, be informed of his right to stand trial, that his signature to a plea of guilty will have the same force and effect as a judgment of court, and that the record of conviction will be sent to the Commissioner of the Department of Motor Vehicles or the appropriate offices of the State where he received his license to drive.

C. The Supreme Court, upon the recommendation of the Committee on District Courts, shall establish a schedule, within the limits prescribed by law, of the amounts of fines and any civil penalties to be imposed, designating each infraction specifically. The schedule, which may from time to time be

550 amended, supplemented or repealed, shall be uniform in its application throughout the Commonwealth.
551 Such schedule shall not be construed or interpreted so as to limit the discretion of any trial judge trying
552 individual cases at the time fixed for trial. The rule of the Supreme Court establishing the schedule shall
553 be prominently posted in the place where the fines are paid. Fines and costs shall be paid in accordance
554 with the provisions of this Code or any rules or regulations promulgated thereunder.

555 D. Fines imposed under local traffic infraction ordinances that do not parallel provisions of state law
556 and fulfill the criteria set out in subsection A may be prepayable in the manner set forth in subsection B
557 if such ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of
558 each circuit may establish a schedule of the fines, within the limits prescribed by local ordinances, to be
559 imposed for prepayment of local ordinances designating each offense specifically. Upon the entry of
560 such order it shall be forwarded within 10 days to the Supreme Court of Virginia by the clerk of the
561 local circuit court. The schedule, which from time to time may be amended, supplemented or repealed,
562 shall be uniform in its application throughout the circuit. Such schedule shall not be construed or
563 interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for
564 trial. This schedule shall be prominently posted in the place where fines are paid. Fines and costs shall
565 be paid in accordance with the provisions of this Code or any rules or regulations promulgated
566 thereunder.

567 **§ 16.1-228. Definitions.**

568 When used in this chapter, unless the context otherwise requires:

569 "Abused or neglected child" means any child:

570 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or
571 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than
572 accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental
573 functions, including, but not limited to, a child who is with his parent or other person responsible for his
574 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled
575 substance, or (ii) during the unlawful sale of such substance by that child's parents or other person
576 responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would
577 constitute a felony violation of § 18.2-248;

578 2. Whose parents or other person responsible for his care neglects or refuses to provide care
579 necessary for his health; however, no child who in good faith is under treatment solely by spiritual
580 means through prayer in accordance with the tenets and practices of a recognized church or religious
581 denomination shall for that reason alone be considered to be an abused or neglected child;

582 3. Whose parents or other person responsible for his care abandons such child;

583 4. Whose parents or other person responsible for his care commits or allows to be committed any
584 sexual act upon a child in violation of the law;

585 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or
586 physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco
587 parentis;

588 6. Whose parents or other person responsible for his care creates a substantial risk of physical or
589 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as
590 defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the
591 parent or other person responsible for his care knows has been convicted of an offense against a minor
592 for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

593 7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in
594 the *federal* Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the *federal*
595 Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

596 If a civil proceeding under this chapter is based solely on the parent having left the child at a
597 hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely
598 delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency
599 medical services agency that employs emergency medical services personnel, within 14 days of the
600 child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for
601 adoption, the court may find such a child is a neglected child upon the ground of abandonment.

602 "Adoptive home" means the place of residence of any natural person in which a child resides as a
603 member of the household and in which he has been placed for the purposes of adoption or in which he
604 has been legally adopted by another member of the household.

605 "Adult" means a person 18 years of age or older.

606 "Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part
607 of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a
608 delinquent act which would be a felony if committed by an adult.

609 "Boot camp" means a short term secure or nonsecure juvenile residential facility with highly
610 structured components including, but not limited to, military style drill and ceremony, physical labor,
611 education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person less than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)

any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal

if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 17.1-293. Posting and availability of certain information on the Internet; prohibitions.

A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B, it shall be unlawful for any court clerk to disclose the social security number or other identification numbers appearing on driver's licenses or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to a court clerk for the purpose of paying fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child.

C. Each such clerk shall post notice that includes a list of the documents routinely posted on its website. However, the clerk shall not post information on his website that includes private activity for private financial gain.

D. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

E. This section shall not apply to the following:

1. Providing access to any document among the land records via secure remote access pursuant to § 17.1-294;

2. Postings related to legitimate law-enforcement purposes;

3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events;

4. Postings of instruments and records filed or recorded that are more than 100 years old;

5. Providing secure remote access to any person, his counsel, or staff which counsel directly supervises to documents filed in matters to which such person is a party;

6. Providing official certificates and certified records in digital form of any document maintained by the clerk pursuant to § 17.1-258.3:2; and

7. Providing secure remote access to nonconfidential court records, subject to any fees charged by the clerk, to members in good standing with the Virginia State Bar and their authorized agents, pro hac vice attorneys authorized by the court for purposes of the practice of law, and such governmental agencies as authorized by the clerk.

F. Nothing in this section shall prohibit the Supreme Court or any other court clerk from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth, including online access to subscribers of nonconfidential criminal case information to confirm the complete date of birth of a defendant.

G. The court clerk shall be immune from suit arising from any acts or omissions relating to providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2005.

H. Nothing in this section shall be construed to permit any data accessed by secure remote access to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in his discretion, may deny secure remote access to ensure compliance with these provisions. However, the data accessed by secure remote access may be included in products or services provided to a third party of the subscriber provided that (i) such data is not made available to the general public and (ii) the subscriber maintains administrative, technical, and security safeguards to protect the confidentiality, integrity, and limited availability of the data.

§ 18.2-6. Meaning of certain terms.

As used in this title:

The word "court," unless otherwise clearly indicated by the context in which it appears, shall mean and include any court vested with appropriate jurisdiction under the Constitution and laws of this the Commonwealth.

796 *The words "driver's license" and "license to operate a motor vehicle" shall mean any document*
797 *issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction,*
798 *authorizing the operation of a motor vehicle upon the highways.*

799 The word "judge," unless otherwise clearly indicated by the context in which it appears, shall mean
800 and include any judge, associate judge or substitute judge, or police justice, of any court.

801 The words "motor vehicle," "semitrailer," "trailer" and "vehicle" shall have the respective meanings
802 assigned to them by § 46.2-100.

803 **§ 18.2-268.1. Chemical testing to determine alcohol or drug content of blood; definitions.**

804 As used in §§ 18.2-268.2 through 18.2-268.12, unless the context clearly indicates otherwise:

805 The phrase "alcohol or drug" means alcohol, a drug or drugs, or any combination of alcohol and a
806 drug or drugs.

807 The phrase "blood or breath" means either or both.

808 "Chief police officer" means the sheriff in any county not having a chief of police, the chief of
809 police of any county having a chief of police, the chief of police of the city, or the sergeant or chief of
810 police of the town in which the charge will be heard, or their authorized representatives.

811 "Department" means the Department of Forensic Science.

812 "Director" means the Director of the Department of Forensic Science.

813 "License" means any driver's license, ~~temporary driver's license, or instruction permit authorizing the~~
814 ~~operation of a motor vehicle upon the highways as defined in § 18.2-6.~~

815 "Ordinance" means a county, city or town ordinance.

816 **§ 19.2-258.1. Trial of traffic infractions; measure of proof; failure to appear.**

817 For any traffic infraction cases tried in a district court, the court shall hear and determine the case
818 without the intervention of a jury. For any traffic infraction case appealed to a circuit court, the
819 defendant shall have the right to trial by jury. The defendant shall be presumed innocent until proven
820 guilty beyond a reasonable doubt.

821 When a person charged with a traffic infraction fails to enter a written or court appearance, he shall
822 be deemed to have waived court hearing and the case may be heard in his absence, after which he shall
823 be notified of the court's finding. He shall be advised that if he fails to comply with any order of the
824 court therein, the court may order suspension of his ~~driver's license driving privileges~~ as provided in
825 § 46.2-395 but the court shall not issue a warrant for his failure to appear pursuant to § 46.2-938.

826 **§ 20-60.3. Contents of support orders.**

827 All orders directing the payment of spousal support where there are minor children whom the parties
828 have a mutual duty to support and all orders directing the payment of child support, including those
829 orders confirming separation agreements, entered on or after October 1, 1985, whether they are original
830 orders or modifications of existing orders, shall contain the following:

831 1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or
832 § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to
833 file an application for services with the Department of Social Services; however, absence of such notice
834 in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to
835 § 20-79.1;

836 2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of
837 Title 63.2 without further amendments to the order upon application for services with the Department of
838 Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar
839 withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

840 3. The name, date of birth, and last four digits of the social security number of each child to whom a
841 duty of support is then owed by the parent;

842 4. If known, the name, date of birth, and last four digits of the social security number of each parent
843 of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address,
844 residential and employer telephone number, ~~driver's license and number appearing on a driver's license~~
845 ~~or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of~~
846 ~~another jurisdiction~~, and the name and address of ~~his or her~~ *each parent's* employer; however, when a
847 protective order has been issued or the court otherwise finds reason to believe that a party is at risk of
848 physical or emotional harm from the other party, information other than the name of the party at risk
849 shall not be included in the order;

850 5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of
851 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the
852 party seeking or receiving child support until such child reaches the age of 19 or graduates from high
853 school, whichever occurs first, and that the court may also order that support be paid or continue to be
854 paid for any child over the age of 18 who is (a) severely and permanently mentally or physically
855 disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the
856 child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support
857 himself; and (c) residing in the home of the parent seeking or receiving child support;

6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

7. The monthly amount of support and the effective date of the order. In proceedings on initial petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the effective date may be the date of notice to the responding party. The first monthly payment shall be due on the first day of the month following the hearing date and on the first day of each month thereafter. In addition, an amount shall be assessed for any full and partial months between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation;

8. a. An order for health care coverage, including the health insurance policy information, for dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in § 63.2-1900, or a written statement that health care coverage is not available at a reasonable cost as defined in such section, and a statement as to whether there is an order for health care coverage for a spouse or former spouse; and

b. A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered, then the provisions governing how such payment is to be made;

9. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages;

10. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court and, when payments are to be made through the Department, the Department of Social Services at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;

11. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed of the name, address and telephone number of his current employer, or if payments are ordered to be paid directly to the obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone number of his current employer;

12. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring the party obligated to provide health care coverage to keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party obligated to provide health care coverage to keep the other party informed of any changes in the availability of the health care coverage for the minor child or children;

13. The separate amounts due to each person under the order, unless the court specifically orders a unitary award of child and spousal support due or the order affirms a separation agreement containing provision for such unitary award;

14. Notice that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. The order shall also provide, pursuant to § 20-78.2, for interest on the arrearage at the judgment rate as established by § 6.2-302 unless the obligee, in a writing submitted to the court, waives the collection of interest;

15. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921, initiate a review of the amount of support ordered by any court;

16. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid; and

17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license, *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways*, of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply

919 with a subpoena, summons, or warrant relating to paternity or child support proceedings.

920 The provisions of this section shall not apply to divorce decrees where there are no minor children
921 whom the parties have a mutual duty to support.

922 **§ 20-107.1. Court may decree as to maintenance and support of spouses.**

923 A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a
924 decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of
925 matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate
926 maintenance, the court may make such further decree as it shall deem expedient concerning the
927 maintenance and support of the spouses, notwithstanding a party's failure to prove his grounds for
928 divorce, provided that a claim for support has been properly pled by the party seeking support.
929 However, the court shall have no authority to decree maintenance and support payable by the estate of a
930 deceased spouse.

931 B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent
932 maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground
933 of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an
934 award notwithstanding the existence of such ground if the court determines from clear and convincing
935 evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the
936 respective degrees of fault during the marriage and the relative economic circumstances of the parties.

937 C. The court, in its discretion, may decree that maintenance and support of a spouse be made in
938 periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a
939 lump sum award, or in any combination thereof.

940 D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of
941 a party to receive support in the future. In any case in which the right to support is so reserved, there
942 shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of
943 the length of time between the date of the marriage and the date of separation. Once granted, the
944 duration of such a reservation shall not be subject to modification.

945 E. The court, in determining whether to award support and maintenance for a spouse, shall consider
946 the circumstances and factors which contributed to the dissolution of the marriage, specifically including
947 adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or
948 § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court
949 shall consider the following:

950 1. The obligations, needs and financial resources of the parties, including but not limited to income
951 from all pension, profit sharing or retirement plans, of whatever nature;

952 2. The standard of living established during the marriage;

953 3. The duration of the marriage;

954 4. The age and physical and mental condition of the parties and any special circumstances of the
955 family;

956 5. The extent to which the age, physical or mental condition or special circumstances of any child of
957 the parties would make it appropriate that a party not seek employment outside of the home;

958 6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;

959 7. The property interests of the parties, both real and personal, tangible and intangible;

960 8. The provisions made with regard to the marital property under § 20-107.3;

961 9. The earning capacity, including the skills, education and training of the parties and the present
962 employment opportunities for persons possessing such earning capacity;

963 10. The opportunity for, ability of, and the time and costs involved for a party to acquire the
964 appropriate education, training and employment to obtain the skills needed to enhance his ~~or her~~ earning
965 ability;

966 11. The decisions regarding employment, career, economics, education and parenting arrangements
967 made by the parties during the marriage and their effect on present and future earning potential,
968 including the length of time one or both of the parties have been absent from the job market;

969 12. The extent to which either party has contributed to the attainment of education, training, career
970 position or profession of the other party; and

971 13. Such other factors, including the tax consequences to each party and the circumstances and
972 factors that contributed to the dissolution, specifically including any ground for divorce, as are necessary
973 to consider the equities between the parties.

974 F. In contested cases in the circuit courts, any order granting, reserving or denying a request for
975 spousal support shall be accompanied by written findings and conclusions of the court identifying the
976 factors in subsection E which support the court's order. Any order granting or reserving any request for
977 spousal support shall state whether the retirement of either party was contemplated by the court and
978 specifically considered by the court in making its award, and, if so, the order shall state the facts the
979 court contemplated and specifically considered as to the retirement of the party. If the court awards
980 periodic support for a defined duration, such findings shall identify the basis for the nature, amount and

duration of the award and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court which support the award.

G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which the parties are physically separated and at least one party intends such separation to be permanent provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event or condition other than death or termination pursuant to § 20-110.

H. Where there are no minor children whom the parties have a mutual duty to support, an order directing the payment of spousal support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. If known, the name, date of birth, and social security number of each party and, unless otherwise ordered, each party's residential and, if different, mailing address, residential and employer telephone number, *driver's license and number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction*, and the name and address of *his each party's* employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

2. The amount of periodic spousal support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;

3. A statement as to whether there is an order for health care coverage for a party;

4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current spousal support obligations first, with any payment in excess of the current obligation applied to arrearages;

5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change; and

6. Notice that in determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

§ 22.1-205. Driver education programs.

A. The Board of Education shall establish for the public school system a standardized program of driver education in the safe operation of motor vehicles. Such program shall consist of classroom training and behind-the-wheel driver training. However, any student who participates in such a program of driver education shall meet the academic requirements established by the Board, and no student in a course shall be permitted to operate a motor vehicle without a license or ~~permit to do so~~ *other document issued by the Department of Motor Vehicles under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction authorizing the operation of a motor vehicle upon the highways.*

1. The driver education program shall include (i) instruction concerning (a) alcohol and drug abuse; (b) aggressive driving; (c) distracted driving; (d) motorcycle awareness; (e) organ and tissue donor awareness; (f) fuel-efficient driving practices; and (g) traffic stops, including law-enforcement procedures for traffic stops, appropriate actions to be taken by drivers during traffic stops, and appropriate interactions with law-enforcement officers who initiate traffic stops, and (ii) in Planning District 8, an additional minimum 90-minute parent/student driver education component. The additional parent/student driver education component may be provided to students outside Planning District 8, at the discretion of each local school board.

2. The parent/student driver education component shall be administered as part of the classroom portion of the driver education curriculum. In Planning District 8, the parent/student driver education component shall be administered in-person. Outside Planning District 8, the parent/student driver education component may be administered either in-person or online by a public school or driver training schools that are licensed as computer-based driver education providers. For students in Planning District 8 and those students in school divisions that offer the parent/student component, the participation of the student's parent or guardian shall be required, and the program shall emphasize (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving restrictions pursuant to the Code of Virginia, and (iii) the dangers of driving while intoxicated and underage consumption of alcohol. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety Action Program, the Department of Health, and the Department of Behavioral Health and Developmental Services, as appropriate. Nothing in this subdivision precludes any school division outside Planning District 8 from including a program of parental involvement as part of a driver education program in addition to or as an alternative to the minimum 90-minute parent/student driver

1042 education component.

1043 3. Any driver education program shall require a minimum number of miles driven during the
1044 behind-the-wheel driver training.

1045 B. The Board shall assist school divisions by preparation, publication and distribution of competent
1046 driver education instructional materials to ensure a more complete understanding of the responsibilities
1047 and duties of motor vehicle operators.

1048 C. Each school board shall determine whether to offer the program of driver education in the safe
1049 operation of motor vehicles and, if offered, whether such program shall be an elective or a required
1050 course. In addition to the fee approved by the Board of Education pursuant to the appropriation act that
1051 allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of
1052 Education may authorize a local school board's request to assess a surcharge in order to further recover
1053 program costs that exceed state funds distributed through basic aid to school divisions offering driver
1054 education programs. Each school board may waive the fee or the surcharge in total or in part for those
1055 students it determines cannot pay the fee or surcharge. Only school divisions complying with the
1056 standardized program and regulations established by the Board of Education and the provisions of
1057 § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver
1058 education.

1059 School boards in Planning District 8 shall make the 90-minute parent/student driver education
1060 component available to all students and their parents or guardians who are in compliance with
1061 § 22.1-254.

1062 D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be
1063 required by regulation of the Board of Education, on private or public property removed from public
1064 highways if practicable; if impracticable, then, at the request of the school board, the Commissioner of
1065 Highways shall designate a suitable section of road near the school to be used for such instruction. Such
1066 section of road shall be marked with signs, which the Commissioner of Highways shall supply, giving
1067 notice of its use for driving instruction. Such signs shall be removed at the close of the instruction
1068 period. No vehicle other than those used for driver training shall be operated between such signs at a
1069 speed in excess of 25 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

1070 E. The Board of Education may, in its discretion, promulgate regulations for the use and certification
1071 of paraprofessionals as teaching assistants in the driver education programs of school divisions.

1072 F. The Board of Education shall approve correspondence courses for the classroom training
1073 component of driver education. These correspondence courses shall be consistent in quality with
1074 instructional programs developed by the Board for classroom training in the public schools. Students
1075 completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel
1076 driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of
1077 the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii)
1078 from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a
1079 home schooling parent or guardian instructing his own child who meets the requirements for home
1080 school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training
1081 course approved by the Board. Nothing herein shall be construed to require any school division to
1082 provide behind-the-wheel driver training to nonpublic school students.

1083 **§ 24.2-410.1. Citizenship status; Department of Motor Vehicles to furnish lists of noncitizens.**

1084 A. The Department of Motor Vehicles shall include on the application for a ~~driver's license,~~
1085 ~~commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit,~~
1086 ~~special identification card~~ any document, or renewal thereof, issued pursuant to the provisions of Chapter
1087 3 (§ 46.2-300 et seq.) of Title 46.2, as a predicate to offering a voter registration application pursuant to
1088 § 24.2-411.1, a statement asking the applicant if he is a United States citizen. If the applicant indicates a
1089 noncitizen status, the Department of Motor Vehicles shall not offer that applicant the opportunity to
1090 apply for voter registration. If the applicant indicates that he is a United States citizen and that he
1091 wishes to register to vote or change his voter registration address, the statement that he is a United
1092 States citizen shall become part of the voter registration application offered to the applicant. Information
1093 on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the
1094 provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

1095 B. Additionally, the Department of Motor Vehicles shall furnish monthly to the Department of
1096 Elections a complete list of all persons who have indicated a noncitizen status to the Department of
1097 Motor Vehicles in obtaining a ~~driver's license, commercial driver's license, temporary driver's permit,~~
1098 ~~learner's permit, motorcycle learner's permit, special identification card~~ any document, or renewal
1099 thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The
1100 Department of Elections shall transmit the information from the list to the appropriate general registrars.
1101 Information in the lists shall be confidential and available only for official use by the Department of
1102 Elections and general registrars.

1103 C. For the purposes of this section, the Department of Motor Vehicles is not responsible for

verifying the claim of any applicant who indicates United States citizen status when applying for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card any document, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

§ 24.2-411.1. Offices of the Department of Motor Vehicles.

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department of Motor Vehicles to:

1. Apply for, replace, or renew a driver's license *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3;*

or

2. ~~Apply for, replace, or renew a special identification card; or~~

3. ~~Change an address on an existing driver's license or special identification card~~ *other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3.*

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or ~~special identification card~~ *other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2* shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. The notification and the registered voter's registration record shall be transmitted as directed by the Department of Elections to the appropriate general registrar who shall send confirmation documents of the transfer to the voter pursuant to § 24.2-424. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the notification to the appropriate general registrar.

C. The completed voter registration portion of the application shall be transmitted as directed by the Department of Elections not later than five business days after the date of receipt. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of the application to the appropriate general registrar.

D. The Department of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

F. The Department of Motor Vehicles shall provide assistance as required in providing voter photo identification cards as provided in subdivision A 3 of § 24.2-404.

§ 24.2-416.7. Application for voter registration by electronic means.

A. Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote by electronic means as authorized by the State Board by completing an electronic registration application.

B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence within the Commonwealth by electronic means as authorized by the State Board by completing an electronic registration application.

C. An electronic registration application completed pursuant to this article shall require that an applicant:

1165 1. Provide the information as required under § 24.2-418;
1166 2. Have a Virginia driver's license or ~~special identification card~~ *and other document* issued by the
1167 Department of Motor Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2*;
1168 3. Provide a social security number and Department of Motor Vehicles customer identifier number
1169 that matches the applicant's record in the Department of Motor Vehicles records;
1170 4. Attest to the truth of the information provided;
1171 5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act
1172 (§ 59.1-479 et seq.); and
1173 6. Affirmatively authorize the Department of Elections and general registrar to use the applicant's
1174 signature obtained by the Department of Motor Vehicles for voter registration purposes.
1175 D. In order for an individual to complete a transaction under this article, the general registrar shall
1176 verify that the Department of Motor Vehicles customer identifier number, date of birth, and social
1177 security number provided by the applicant match the information contained in the Department of Motor
1178 Vehicles records.
1179 E. The Department of Motor Vehicles shall provide to the Department of Elections a digital copy of
1180 the applicant's signature on record with the Department of Motor Vehicles.
1181 F. The Department of Elections shall transmit to the general registrar an applicant's completed voter
1182 registration application and digital signature not later than five business days after the date of receipt.
1183 G. Each transaction taking place under this section shall be accompanied by the following statement
1184 featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A
1185 MATERIALLY FALSE STATEMENT DURING THIS TRANSACTION CONSTITUTES THE CRIME
1186 OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY.
1187 VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS
1188 IN JAIL AND/OR FINED UP TO \$2,500."
1189 H. The Department of Elections may use additional security measures approved by the State Board to
1190 ensure the accuracy and integrity of registration transactions performed under this article.
1191 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**
1192 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers
1193 of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the
1194 voting booth and furnishing an official ballot to him.
1195 B. An officer of election shall ask the voter for his full name and current residence address and the
1196 voter may give such information orally or in writing. The officer of election shall repeat, in a voice
1197 audible to party and candidate representatives present, the full name and address provided by the voter.
1198 The officer shall ask the voter to present any one of the following forms of identification: his valid
1199 Virginia driver's license, his valid United States passport, or any other photo identification issued by the
1200 Commonwealth, one of its political subdivisions, or the United States, *other than a driver privilege card*
1201 *issued under § 46.2-328.3*; any valid student identification card containing a photograph of the voter
1202 and issued by any institution of higher education located in the Commonwealth or any private school
1203 located in the Commonwealth; or any valid employee identification card containing a photograph of the
1204 voter and issued by an employer of the voter in the ordinary course of the employer's business.
1205 Any voter who does not show one of the forms of identification specified in this subsection shall be
1206 offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall
1207 provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or
1208 electoral board other than matching submitted identification documents from the voter for the electoral
1209 board to make a determination on whether to count the ballot.
1210 If the voter presents one of the forms of identification listed above, if his name is found on the
1211 pollbook in a form identical to or substantially similar to the name on the presented form of
1212 identification and the name provided by the voter, if he is qualified to vote in the election, and if no
1213 objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next
1214 consecutive number from the voter count form provided by the State Board, or shall enter that the voter
1215 has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot;
1216 and another officer shall admit him to the voting booth. Each voter whose name has been marked on the
1217 pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of
1218 election in the polling place until he has voted. If a line of voters who have been marked on the
1219 pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to
1220 extend outside of the room containing the voting booths and shall remain under observation by the
1221 officers of election.
1222 A voter may be accompanied into the voting booth by his child age 15 or younger.
1223 C. If the current residence address provided by the voter is different from the address shown on the
1224 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the
1225 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties
1226 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an

envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

§ 32.1-291.2. Definitions.

As used in this Act, unless the context requires otherwise:

"Adult" means an individual who is at least 18 years of age.

"Agent" means an individual:

1. Authorized to make health-care decisions on the principal's behalf by a power of attorney for health care; or

2. Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

"Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

"Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other than this Act, a fetus.

"Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual. The term does not include a person to whom an anatomical gift could pass under § 32.1-291.11.

"Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card, or donor registry.

"Donor" means an individual whose body or part is the subject of an anatomical gift.

"Donor registry" means a database that contains records of anatomical gifts.

"Driver's license" means a license or ~~permit~~ *other document* issued by the Virginia Department of Motor Vehicles ~~to operate under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways, whether or not conditions are attached to the license or permit~~ *other document*.

"Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes and that is a member of the Virginia Transplant Council, accredited by the Eye Bank Association of America or the American Association of Tissue Banks and operating in the Commonwealth of Virginia.

"Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem, except when the guardian ad litem is authorized by a court to consent to donation.

"Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

"Identification card" means an identification card issued by the Virginia Department of Motor Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2*.

"Know" means to have actual knowledge.

"Minor" means an individual who is under 18 years of age.

"Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization that is also a member of the Virginia Transplant Council.

"Parent" means a parent whose parental rights have not been terminated.

"Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Physician" means an individual authorized to practice medicine or osteopathy under the law of any state.

"Procurement organization" means an eye bank, organ procurement organization, or tissue bank that

1288 is a member of the Virginia Transplant Council.

1289 "Prospective donor" means an individual who is dead or whose death is imminent and has been
1290 determined by a procurement organization to have a part that could be medically suitable for
1291 transplantation, therapy, research, or education. The term does not include an individual who has made a
1292 refusal.

1293 "Reasonably available" means able to be contacted by a procurement organization without undue
1294 effort and willing and able to act in a timely manner consistent with existing medical criteria necessary
1295 for the making of an anatomical gift.

1296 "Recipient" means an individual into whose body a decedent's part has been or is intended to be
1297 transplanted.

1298 "Record" means information that is inscribed on a tangible medium or that is stored in an electronic
1299 or other medium and is retrievable in perceivable form.

1300 "Refusal" means a record created under § 32.1-291.7 that expressly states an intent to bar other
1301 persons from making an anatomical gift of an individual's body or part.

1302 "Sign" means, with the present intent to authenticate or adopt a record:

1303 1. To execute or adopt a tangible symbol; or

1304 2. To attach to or logically associate with the record an electronic symbol, sound, or process.

1305 "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States
1306 Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

1307 "Technician" means an individual determined to be qualified to remove or process parts by an
1308 appropriate organization that is licensed, accredited, or regulated under federal or state law. The term
1309 includes an enucleator.

1310 "Tissue" means a portion of the human body other than an organ or an eye. The term does not
1311 include blood unless the blood is donated for the purpose of research or education.

1312 "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to
1313 engage in the recovery, screening, testing, processing, storage, or distribution of tissue and that is a
1314 member of the Virginia Transplant Council, accredited by the American Association of Tissue Banks,
1315 and operating in the Commonwealth of Virginia.

1316 "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical
1317 specialty services required for the care of transplant patients.

1318 **§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

1319 A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the
1320 following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth
1321 without the payment of toll while in the performance of their official duties:

1322 1. The Commissioner of Highways;

1323 2. Members of the Commonwealth Transportation Board;

1324 3. Employees of the Department of Transportation;

1325 4. The Superintendent of the Department of State Police;

1326 5. Officers and employees of the Department of State Police;

1327 6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;

1328 7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control
1329 Authority and special agents of the Virginia Alcoholic Beverage Control Authority;

1330 8. The Commissioner of the Department of Motor Vehicles;

1331 9. Employees of the Department of Motor Vehicles;

1332 10. Local police officers;

1333 11. Sheriffs and their deputies;

1334 12. Regional jail officials;

1335 13. Animal wardens;

1336 14. The Director and officers of the Department of Game and Inland Fisheries;

1337 15. Persons operating firefighting equipment and emergency medical services vehicles owned by a
1338 political subdivision of the Commonwealth or a nonprofit association or corporation;

1339 16. Operators of school buses being used to transport pupils to or from schools;

1340 17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the
1341 driver, and used to regularly transport workers to and from their places of employment and (ii) public
1342 transit buses;

1343 18. Employees of the Department of Rail and Public Transportation;

1344 19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation
1345 Act of 1988; and

1346 20. Law-enforcement officers of the Virginia Marine Resources Commission.

1347 B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free
1348 use of such facilities, in cases of emergency and circumstances of concern for public safety on the
1349 highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual

or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety.

3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department of Transportation for deposit into the toll road fund.

C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or any other state or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;

2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair his ability to deposit coins in toll baskets;

3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and

4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of § 22.1-187.

F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;

2. Members of the Commonwealth Transportation Board;

3. Employees of the Department of Transportation;

4. The Superintendent of the Department of State Police;

5. Officers and employees of the Department of State Police;

6. The Commissioner of the Department of Motor Vehicles;

7. Employees of the Department of Motor Vehicles; and

8. Sheriffs and deputy sheriffs.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543, said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle insurance policies; review by Commissioner.

A. The following definitions shall apply to this section:

"Cancellation" or "to cancel" means a termination of a policy during the policy period.

"Insurer" means any insurance company, association, or exchange licensed to transact motor vehicle

1411 insurance in this Commonwealth.

1412 "Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or
1413 property damage liability insurance issued or delivered in this Commonwealth covering liability arising
1414 from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one
1415 individual or husband and wife who are residents of the same household, and under which the insured
1416 vehicle designated in the policy is either:

1417 a. A motor vehicle of a private passenger, station wagon, or motorcycle type that is not used
1418 commercially, rented to others, or used as a public or livery conveyance where the term "public or
1419 livery conveyance" does not include car pools, or

1420 b. Any other four-wheel motor vehicle which is not used in the occupation, profession, or business,
1421 other than farming, of the insured, or as a public or livery conveyance, or rented to others. The term
1422 "policy of motor vehicle insurance" or "policy" does not include (i) any policy issued through the
1423 Virginia Automobile Insurance Plan, (ii) any policy covering the operation of a garage, sales agency,
1424 repair shop, service station, or public parking place, (iii) any policy providing insurance only on an
1425 excess basis, or (iv) any other contract providing insurance to the named insured even though the
1426 contract may incidentally provide insurance on motor vehicles.

1427 "Renewal" or "to renew" means (i) the issuance and delivery by an insurer of a policy superseding at
1428 the end of the policy period a policy previously issued and delivered by the same insurer, providing
1429 types and limits of coverage at least equal to those contained in the policy being superseded, or (ii) the
1430 issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period
1431 or term with types and limits of coverage at least equal to those contained in the policy. Each renewal
1432 shall conform with the requirements of the manual rules and rating program currently filed by the
1433 insurer with the Commission. Except as provided in subsection K of this section, any policy with a
1434 policy period or term of less than 12 months or any policy with no fixed expiration date shall for the
1435 purpose of this section be considered as if written for successive policy periods or terms of six months
1436 from the original effective date.

1437 B. This section shall apply only to that portion of a policy of motor vehicle insurance providing the
1438 coverage required by §§ 38.2-2204, 38.2-2205, and 38.2-2206.

1439 C. 1. No insurer shall refuse to renew a motor vehicle insurance policy solely because of any one or
1440 more of the following factors:

- 1441 a. Age;
- 1442 b. Sex;
- 1443 c. Residence;
- 1444 d. Race;
- 1445 e. Color;
- 1446 f. Creed;
- 1447 g. National origin;
- 1448 h. Ancestry;
- 1449 i. Marital status;
- 1450 j. Lawful occupation, including the military service;
- 1451 k. Lack of driving experience, or number of years driving experience;
- 1452 l. Lack of supporting business or lack of the potential for acquiring such business;
- 1453 m. One or more accidents or violations that occurred more than 48 months immediately preceding
1454 the upcoming anniversary date;

1455 n. One or more claims submitted under the uninsured motorists coverage of the policy where the
1456 uninsured motorist is known or there is physical evidence of contact;

1457 o. A single claim by a single insured submitted under the medical expense coverage due to an
1458 accident for which the insured was neither wholly nor partially at fault;

1459 p. One or more claims submitted under the comprehensive or towing coverages. However, nothing in
1460 this section shall prohibit an insurer from modifying or refusing to renew the comprehensive or towing
1461 coverages at the time of renewal of the policy on the basis of one or more claims submitted by an
1462 insured under those coverages, provided that the insurer shall mail or deliver to the insured at the
1463 address shown in the policy, or deliver electronically to the address provided by the named insured,
1464 written notice of any such change in coverage at least 45 days prior to the renewal;

1465 q. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused
1466 either wholly or partially by the named insured, a resident of the same household, or other customary
1467 operator;

1468 r. Credit information contained in a "consumer report," as defined in the federal Fair Credit
1469 Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing
1470 or credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit
1471 information shall be based on a consumer report procured within 120 days from the effective date of the
1472 nonrenewal. The provisions of this subdivision shall apply only to insurance purchased primarily for

personal, family, or household purposes; or

s. The refusal of a motor vehicle owner as defined in § 46.2-1088.6 to provide access to recorded data from a recording device as defined in § 46.2-1088.6.

2. Nothing in this section shall require any insurer to renew a policy for an insured where the insured's occupation has changed so as to materially increase the risk. Nothing contained in subdivisions C 1 n, 1 o, and 1 p of this subsection shall prohibit an insurer from refusing to renew a policy where a claim is false or fraudulent. Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.

D. No insurer shall cancel a policy except for one or more of the following reasons:

1. The named insured or any other operator who either resides in the same household or customarily operates a motor vehicle insured under the policy has had his ~~driver's license~~ *driving privileges* suspended or revoked during the policy period or, if the policy is a renewal, during its policy period or the 90 days immediately preceding the last effective date.

2. The named insured fails to pay the premium for the policy or any installment of the premium, whether payable to the insurer or its agent either directly or indirectly under any premium finance plan or extension of credit.

3. The named insured or his duly constituted attorney-in-fact has notified the insurer of a change in the insured's legal residence to a state other than Virginia and the insured vehicle will be principally garaged in the new state of legal residence.

E. No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall be effective unless the insurer delivers or mails to the named insured at the address shown in the policy a written notice of the cancellation or refusal to renew, or the insurer delivers such notice electronically to the address provided by the named insured. The notice shall:

1. Be in a type size authorized under § 38.2-311.

2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed for the reason set forth in subdivision D 2 of ~~subsection D of this section~~ the effective date may be less than 45 days but at least 15 days from the date of mailing or delivery.

3. State the specific reason of the insurer for cancellation or refusal to renew and provide for the notification required by §§ 38.2-608, 38.2-609, and subsection B of § 38.2-610. However, those notification requirements shall not apply when the policy is being canceled or not renewed for the reason set forth in subdivision D 2 of ~~subsection D of this section~~.

4. Inform the insured of his right to request in writing within 15 days of the receipt of the notice that the Commissioner review the action of the insurer.

The notice of cancellation or refusal to renew shall contain the following statement to inform the insured of such right:

IMPORTANT NOTICE

Within 15 days of receiving this notice, you or your attorney may request in writing that the Commissioner of Insurance review this action to determine whether the insurer has complied with Virginia laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the cancellation or nonrenewal laws, the Commissioner may require that your policy be reinstated. However, the Commissioner is prohibited from making underwriting judgments. If this insurer has complied with the cancellation or nonrenewal laws, the Commissioner does not have the authority to overturn this action.

5. Inform the insured of the possible availability of other insurance which may be obtained through his agent, through another insurer, or through the Virginia Automobile Insurance Plan.

6. If sent by mail or delivered electronically, comply with the provisions of § 38.2-2208.

Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation or refusal to renew, any additional disclosure statements required by state or federal laws, or any additional information relating to the availability of other insurance.

F. Nothing in this section shall apply:

1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has manifested its willingness to renew in writing to the insured. The written manifestation shall include the name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and information regarding the estimated renewal premium. The insurer shall retain a copy of each written manifestation for a period of at least one year from the expiration date of any policy that is not renewed;

2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy

1534 to be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he
1535 fails to accept the offer of the insurer to renew the policy;

1536 3. To any motor vehicle insurance policy which has been in effect less than 60 days when the
1537 termination notice is mailed or delivered to the insured, unless it is a renewal policy; or

1538 4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than
1539 would have been charged for the same exposures on the expiring policy. The affiliated insurer shall
1540 manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at
1541 least equal to those contained in the expiring policy unless the named insured has requested a change in
1542 coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be
1543 required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be
1544 deemed to be a renewal policy.

1545 G. There shall be no liability on the part of and no cause of action of any nature shall arise against
1546 the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its
1547 employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal
1548 to renew, for any statement made by any of them in complying with this section or for providing
1549 information pertaining to the cancellation or refusal to renew. For the purposes of this section, no
1550 insurer shall be required to furnish a notice of cancellation or refusal to renew to anyone other than the
1551 named insured, any person designated by the named insured, or any other person to whom such notice
1552 is required to be given by the terms of the policy and the Commissioner.

1553 H. Within 15 days of receipt of the notice of cancellation or refusal to renew, any insured or his
1554 attorney shall be entitled to request in writing to the Commissioner that he review the action of the
1555 insurer in canceling or refusing to renew the policy of the insured. Upon receipt of the request, the
1556 Commissioner shall promptly begin a review to determine whether the insurer's cancellation or refusal to
1557 renew complies with the requirements of this section and of § 38.2-2208 if the notice was sent by mail
1558 or delivered electronically. The policy shall remain in full force and effect during the pendency of the
1559 review by the Commissioner except where the cancellation or refusal to renew is for the reason set forth
1560 in subdivision D 2 of subsection D of this section, in which case the policy shall terminate as of the
1561 effective date stated in the notice. Where the Commissioner finds from the review that the cancellation
1562 or refusal to renew has not complied with the requirements of this section or of § 38.2-2208, he shall
1563 immediately notify the insurer, the insured and any other person to whom such notice was required to
1564 be given by the terms of the policy that the cancellation or refusal to renew is not effective. Nothing in
1565 this section authorizes the Commissioner to substitute his judgment as to underwriting for that of the
1566 insurer. Where the Commissioner finds in favor of the insured, the Commission in its discretion may
1567 award the insured reasonable attorneys' fees.

1568 I. Each insurer shall maintain for at least one year, records of cancellation and refusal to renew and
1569 copies of every notice or statement referred to in subsection E of this section that it sends to any of its
1570 insureds.

1571 J. The provisions of this section shall not apply to any insurer that limits the issuance of policies of
1572 motor vehicle liability insurance to one class or group of persons engaged in any one particular
1573 profession, trade, occupation, or business. Nothing in this section requires an insurer to renew a policy
1574 of motor vehicle insurance if the insured does not conform to the occupational or membership
1575 requirements of an insurer who limits its writings to an occupation or membership of an organization.
1576 No insurer is required to renew a policy if the insured becomes a nonresident of Virginia.

1577 K. Notwithstanding any other provision of this section, a motor vehicle insurance policy with a
1578 policy period or term of five months or less may expire at its expiration date when the insurer has
1579 manifested in writing its willingness to renew the policy for at least 30 days and has mailed or delivered
1580 the written manifestation to the insured at least 15 days before the expiration date of the policy. The
1581 written manifestation shall include the name of the proposed insurer, the expiration date of the policy,
1582 the type of insurance coverage, and the estimated renewal premium. The insurer shall retain a copy of
1583 the written manifestation for at least one year from the expiration date of any policy that is not renewed.

1584 **§ 46.2-328.1. Licenses, permits and special identification cards to be issued only to United States**
1585 **citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas;**
1586 **exceptions; renewal, duplication, or reissuance.**

1587 A. Notwithstanding any other provision of this title, except as provided in subsection G of
1588 § 46.2-345, the Department shall not issue an original license, permit, or special identification card to
1589 any applicant who has not presented to the Department, with the application, valid documentary
1590 evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of
1591 the United States, or (iii) a conditional resident alien of the United States.

1592 B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345,
1593 an applicant who presents in person valid documentary evidence of (i) a valid, unexpired nonimmigrant
1594 visa or nonimmigrant visa status for entry into the United States; (ii) a pending or approved application
1595 for asylum in the United States; (iii) entry into the United States in refugee status; (iv) a pending or

approved application for temporary protected status in the United States; (v) approved deferred action status, or (vi) a pending application for adjustment of status to legal permanent residence status or conditional resident status, that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States may be issued a temporary limited-duration license, permit, or special identification card. Such temporary limited-duration license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. No license, permit, or special identification card shall be issued if an applicant's authorized stay in the United States is less than 30 days from the date of application. Any temporary limited-duration license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is temporary valid for a limited period and shall state the date that it expires. Such a temporary limited-duration license, permit, or special identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary limited-duration license, permit, or special identification has been extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security a federal court or federal agency having jurisdiction over immigration.

C. Any license, permit, or special identification card for which an application has been made for renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the provisions of subsection A, provided that, at the time the application is made, (i) the license, permit, or special identification card has not expired or been cancelled, suspended, or revoked or (ii) the license, permit, or special identification card has been canceled or suspended as a result of the applicant having been placed under medical review by the Department pursuant to § 46.2-322. The requirements of subsection A shall apply, however, to a renewal, duplication, or reissuance if the Department is notified by a local, state, or federal government agency that the individual seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

D. The Department shall cancel any license, permit, or special identification card that it has issued to an individual if it is notified by a federal government agency that the individual is neither a citizen of the United States nor legally present in the United States.

E. For any applicant who presents a document pursuant to this section proving legal presence other than citizenship, the Department shall record and provide to the State Board of Elections monthly the applicant's document number, if any, issued by an agency or court of the United States government.

§ 46.2-328.3. Driver privilege cards and permits.

A. Upon application of any person who does not meet the requirements for a driver's license or permit under subsection A or B of § 46.2-328.1, the Department may issue to the applicant a driver privilege card or permit if the Department determines that the applicant (i) has reported income and deductions from Virginia sources, as defined in § 58.1-302, on an individual income tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements set forth in Article 8 (§ 46.2-705 et seq.) of Chapter 6.

B. Driver privilege cards and permits shall confer the same privileges and shall be subject to the same provisions of this title as driver's licenses and permits issued under this chapter, unless otherwise provided, and shall be subject to the following conditions and exceptions:

1. Driver privilege cards and permits shall state "NOT VALID IDENTIFICATION FOR FEDERAL, VOTING, OR PUBLIC BENEFIT PURPOSES" in conspicuous, bold print on the face of the card or permit;

2. An applicant for a driver privilege card or permit shall not be eligible for a waiver of any part of the driver examination provided under § 46.2-325;

3. An applicant for a driver privilege card or permit shall not be required to present proof of legal presence in the United States;

4. A driver privilege card or permit shall expire on the applicant's second birthday following the date of issuance; and

5. The fee for an original driver privilege card or permit shall be \$100; however, the Department may issue, upon application by the holder of a valid, unexpired card or permit issued under this section, and upon payment of a fee of \$50, another driver privilege card or permit that shall be valid for a period of two years from the date of issuance.

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

A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years or less than five years, unless otherwise provided by law. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall

1657 be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner
1658 may extend the validity period of an expiring license if (i) the Department is unable to process an
1659 application for renewal due to circumstances beyond its control, (ii) the extension has been authorized
1660 under a directive from the Governor, and (iii) the license was not issued as a ~~temporary~~ *limited-duration*
1661 driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the
1662 validity period be extended more than 90 days per occurrence of such conditions. In determining the
1663 number of years for which a driver's license shall be renewed, the Commissioner shall take into
1664 consideration the examinations, conditions, requirements, and other criteria provided under this title that
1665 relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required
1666 to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday
1667 in years which the applicant attains an age equally divisible by five.

1668 B. Within one year prior to the date shown on the driver's license as the date of expiration, the
1669 Department shall send notice, to the holder thereof, at the address shown on the records of the
1670 Department in its driver's license file, that his license will expire on a date specified therein, whether he
1671 must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the
1672 period of validity of the driver's license beyond its expiration date. The license holder may request the
1673 Department to send such renewal notice to an email or other electronic address, upon provision of such
1674 address to the Department.

1675 Any driver's license may be renewed by application after the applicant has taken and successfully
1676 completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia
1677 Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the
1678 parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person
1679 for renewal of a license shall take and successfully complete the examination each renewal year. Every
1680 applicant for a renewal shall appear in person before the Department, unless specifically notified by the
1681 Department that renewal may be accomplished in another manner as provided in the notice. Applicants
1682 who are required to appear in person before the Department to apply for a renewal may also be required
1683 to present proof of identity, legal presence, residency, and social security number or non-work
1684 authorized status.

1685 C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may
1686 require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the
1687 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less
1688 than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of
1689 a driver's license that is not a commercial driver's license and the requirement for the taking of the
1690 written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial
1691 Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision
1692 examination for applicants for renewal of a commercial driver's license or of the knowledge test required
1693 by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a
1694 commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years
1695 old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a
1696 vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto
1697 by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the
1698 standards contained in § 46.2-311.

1699 D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent
1700 on any examination of the applicant, shall appear in person before the Department to apply for renewal,
1701 unless specifically notified by the Department that renewal may be accomplished in another manner as
1702 provided in the notice.

1703 E. This section shall not modify the provisions of § 46.2-221.2.

1704 F. 1. The Department shall electronically transmit application information, including a photograph, to
1705 the Department of State Police, in a format approved by the State Police, for comparison with
1706 information contained in the Virginia Criminal Information Network and National Crime Information
1707 Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license.
1708 Whenever it appears from the records of the State Police that a person has failed to comply with the
1709 duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall
1710 promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant
1711 or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the
1712 person last registered or reregistered or in the jurisdiction where the person made application for
1713 licensure. The Department of State Police shall electronically transmit to the Department, in a format
1714 approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1,
1715 registry information consisting of the person's name, all aliases that he has used or under which he may
1716 have been known, his date of birth, and his social security number as set out in § 9.1-903.

1717 2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not
1718 waive the requirement that each such person shall appear for each renewal or the requirement to obtain

a photograph in accordance with subsection C of § 46.2-323.

§ 46.2-332. Fees.

~~On and after January 1, 1990, the~~ The fee for each driver's license other than a commercial driver's license shall be \$2.40 per year. ~~This fee shall not apply to driver privilege cards or permits issued under § 46.2-328.3.~~ If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be \$6 per year. ~~Persons 21 years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license for an additional fee of \$5.~~ For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

In addition to any other fee imposed and collected by the Department, the Department shall impose and collect a service charge of \$5 upon each person who carries out the renewal of a driver's license or special identification card in any of the Department's Customer Service Centers if such renewal can be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall not apply if, concurrently with the renewal of the driver's license or special identification card, the person undertakes another transaction at a Customer Service Center that cannot be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

A reexamination fee of \$2 shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is 18 years of age or older if taken more than once within a 15-day period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination, if taken prior to the fifteenth day.

An applicant who is less than 18 years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in 15 days.

A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

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 \$2.40 per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

Excluding the \$2 reexamination fee, \$1.50 of all fees collected for each original or renewal driver's license, *other than a driver privilege cards issued under § 46.2-328.3*, 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.

All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

This section shall supersede conflicting provisions of this chapter.

§ 46.2-333.1. Surcharges on certain fees of Department; disposition of proceeds.

Notwithstanding any contrary provision of this chapter, there are hereby imposed, in addition to other fees imposed by this chapter, the following surcharges in the following amounts:

1. For the issuance of any driver's license other than a commercial driver's license, *or a driver privilege card issued under § 46.2-328.3*, \$1.60 per year of validity of the license;
2. For the issuance of any commercial driver's license, \$1 per year of validity of the license;
3. For the reissuance or replacement of any driver's license, \$5; and
4. For the reinstatement of any driver's license, \$15.

All surcharges collected by the Department under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to support the operation and activities of the Department's customer service centers.

1780 § 46.2-335. Learner's permits; fees; certification required.

1781 A. The Department, on receiving from any Virginia resident over the age of 15 years and six months
1782 an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's
1783 satisfactory documentation of meeting the requirements of this chapter and successful completion of the
1784 written or automated knowledge and vision examinations and, in the case of a motorcycle learner's
1785 permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the
1786 permit in his immediate possession, to drive a motor vehicle or, if the application is made for a
1787 motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver
1788 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother,
1789 half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i)
1790 alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle
1791 instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii)
1792 lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

1793 The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any
1794 minor applicant required to provide evidence of compliance with the compulsory school attendance law
1795 set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good
1796 academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian,
1797 having custody of such minor, provides written authorization for the minor to obtain a learner's permit
1798 or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the
1799 Department and indicating the Commonwealth's interest in the good academic standing and regular
1800 school attendance of such minors. Any minor providing proper evidence of the solemnization of his
1801 marriage or a certified copy of a court order of emancipation shall not be required to provide the
1802 certification of good academic standing or any written authorization from his parent or guardian to
1803 obtain a learner's permit or motorcycle learner's permit.

1804 Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is
1805 issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance
1806 of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12
1807 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an
1808 application, payment of the application fee, and successful completion of the examinations, be issued
1809 another motorcycle learner's permit valid for 12 months.

1810 Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but
1811 who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first
1812 behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving
1813 privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions
1814 ordered by the court.

1815 B. No driver's license shall be issued to any such person who is less than 18 years old unless, while
1816 holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were
1817 after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or
1818 otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall
1819 contain the following statement:

1820 "It is illegal for anyone to give false information in connection with obtaining a driver's license. This
1821 certification is considered part of the driver's license application, and anyone who certifies to a false
1822 statement may be prosecuted. I certify that the statements made and the information submitted by me
1823 regarding this certification are true and correct."

1824 Such form shall also include the driver's license or Department of Motor Vehicles-issued
1825 identification card number of the person making the certification.

1826 C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one
1827 passenger who is less than 21 years old, except when participating in a driver education program
1828 approved by the Department of Education or a course offered by a driver training school licensed by the
1829 Department. This passenger limitation, however, shall not apply to the members of the driver's family or
1830 household as defined in subsection B of § 46.2-334.01.

1831 D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and
1832 four o'clock a.m.

1833 E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a
1834 learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any
1835 cellular telephone or any other wireless telecommunications device, regardless of whether or not such
1836 device is handheld. No citation for a violation of this subsection shall be issued unless the officer
1837 issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of
1838 some other provision of this Code or local ordinance relating to the operation, ownership, or
1839 maintenance of a motor vehicle or any criminal statute.

1840 F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of
1841 damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any

action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits issued under this section.

H. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by 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.

I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits, *other than permits issued under § 46.2-328.3*, shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. ~~It shall be~~ *is* 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; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

J. 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.).

K. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.
2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.
3. No person other than the operator shall occupy the motorcycle.

L. Any violation of this section ~~shall be~~ *is* punishable as a Class 2 misdemeanor.

§ 46.2-343. Duplicate driver's license, reissued driver's licenses, learner's permit; fees.

If a driver's license or learner's permit issued under the provisions of this chapter is lost, stolen, or destroyed, the person to whom it was issued may obtain a duplicate or substitute thereof on furnishing proof satisfactory to the Department that his license or permit has been lost, stolen, or destroyed, or that there are good reasons why a duplicate should be issued. Every applicant for a duplicate or reissued driver's license shall appear in person before the Department to apply, unless permitted by the Department to apply for duplicate or reissue in another manner. Applicants who are required to apply in person may be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

There shall be a fee of ~~five dollars~~ \$5 for each duplicate license and ~~two dollars~~ \$2 for each duplicate learner's permit. ~~An additional fee of five dollars shall be charged to add or change the scene on a duplicate license or duplicate learner's permit.~~

There shall be a fee of ~~five dollars~~ \$5 for reissuance of any driver's license upon the termination of driving restrictions imposed upon the licensee by the Department or a court. ~~An additional fee of five dollars shall be charged to add or change the scene on a license upon reissuance.~~

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

- 1903 1. Matters required by law to be entered on any public assessment roll or book;
- 1904 2. Acts performed or words spoken, published, or shared with another agency or subdivision of the
- 1905 Commonwealth in the line of duty under state law;
- 1906 3. Inquiries and investigations to obtain information as to the process of real estate assessments by a
- 1907 duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to
- 1908 its study, provided that any such information obtained shall be privileged;
- 1909 4. The sales price, date of construction, physical dimensions or characteristics of real property, or any
- 1910 information required for building permits;
- 1911 5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court
- 1912 pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;
- 1913 6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when
- 1914 requested by the General Assembly or any duly constituted committee of the General Assembly;
- 1915 7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the
- 1916 provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the
- 1917 Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow
- 1918 fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the
- 1919 Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two
- 1920 calendar years or in any year in which the Attorney General receives Stamping Agent information that
- 1921 potentially alters the required escrow deposit of the manufacturer. The information shall only be
- 1922 provided in the following manner: the manufacturer may make a written request, on a quarterly or
- 1923 yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the
- 1924 amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who
- 1925 reported stamping or selling its products and the amount reported. The Attorney General shall provide
- 1926 the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the
- 1927 reports the Stamping Agents filed with the Attorney General, it must first request them from the
- 1928 Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the
- 1929 reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the
- 1930 Attorney General, including a copy of the prior written request to the Stamping Agent and any response
- 1931 received, for copies of any reports not received. The Attorney General shall provide copies of the
- 1932 reports within 45 days of receipt of the request.
- 1933 B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so
- 1934 classified as to prevent the identification of particular reports or returns and the items thereof or the
- 1935 publication of delinquent lists showing the names of taxpayers who are currently delinquent, together
- 1936 with any relevant information which in the opinion of the Department may assist in the collection of
- 1937 such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department,
- 1938 upon request by the General Assembly or any duly constituted committee of the General Assembly,
- 1939 shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers,
- 1940 regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This
- 1941 section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or
- 1942 corporation is licensed to do business in that locality and divulging, upon written request, the name and
- 1943 address of any person, firm or corporation transacting business under a fictitious name. Additionally,
- 1944 notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon
- 1945 written request stating the reason for such request, the Tax Commissioner with information obtained
- 1946 from local tax returns and other information pertaining to the income, sales and property of any person,
- 1947 firm or corporation licensed to do business in that locality.
- 1948 2. This section shall not prohibit the Department from disclosing whether a person, firm, or
- 1949 corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or
- 1950 whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding
- 1951 any other provision of law, the Department is hereby authorized to make available the names and
- 1952 certificate of registration numbers of dealers who are currently registered for retail sales and use tax.
- 1953 3. This section shall not prohibit the Department from disclosing information to nongovernmental
- 1954 entities with which the Department has entered into a contract to provide services that assist it in the
- 1955 administration of refund processing or other services related to its administration of taxes.
- 1956 4. This section shall not prohibit the Department from disclosing information to taxpayers regarding
- 1957 whether the taxpayer's employer or another person or entity required to withhold on behalf of such
- 1958 taxpayer submitted withholding records to the Department for a specific taxable year as required
- 1959 pursuant to subdivision C 1 of § 58.1-478.
- 1960 5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or
- 1961 other similar local official who collects or administers taxes for a county, city, or town from disclosing
- 1962 information to nongovernmental entities with which the locality has entered into a contract to provide
- 1963 services that assist it in the administration of refund processing or other non-audit services related to its
- 1964 administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar

1965 local official who collects or administers taxes for a county, city, or town shall not disclose information
 1966 to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality
 1967 and nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that
 1968 such entity agrees to abide by such obligations.

1969 C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax
 1970 Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director
 1971 of finance or other similar collector of county, city or town taxes who, for the performance of his
 1972 official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the
 1973 Commissioner of the Department of Social Services, upon written request, information on the amount of
 1974 income, filing status, number and type of dependents, and whether a federal earned income tax credit
 1975 has been claimed as reported by persons on their state income tax returns who have applied for public
 1976 assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer
 1977 of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the
 1978 names and home addresses of those persons identified by the designated guarantor as having delinquent
 1979 loans guaranteed by the designated guarantor; (iv) provide current address information upon request to
 1980 state agencies and institutions for their confidential use in facilitating the collection of accounts
 1981 receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the
 1982 collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the
 1983 Commissioner of the Virginia Employment Commission, after entering into a written agreement, such
 1984 tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid
 1985 benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written
 1986 agreement, such tax information as may be necessary to facilitate the collection of state and local taxes
 1987 and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the
 1988 Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who
 1989 owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax
 1990 information as may be necessary to facilitate the location of owners and holders of unclaimed property,
 1991 as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written
 1992 agreement, such tax information as may be necessary to facilitate the collection of taxes and fees
 1993 administered by the Commission; (x) provide to the Executive Director of the Potomac and
 1994 Rappahannock Transportation Commission for his confidential use such tax information as may be
 1995 necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the
 1996 Commissioner of the Department of Agriculture and Consumer Services such tax information as may be
 1997 necessary to identify those applicants for registration as a supplier of charitable gaming supplies who
 1998 have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing
 1999 and Community Development for its confidential use such tax information as may be necessary to
 2000 facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270
 2001 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and
 2002 address information to private collectors entering into a written agreement with the Tax Commissioner,
 2003 for their confidential use when acting on behalf of the Commonwealth or any of its political
 2004 subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private
 2005 collector who has used or disseminated in an unauthorized or prohibited manner any such information
 2006 previously provided to such collector; (xiv) provide current name and address information as to the
 2007 identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any
 2008 person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for
 2009 injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or
 2010 Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering
 2011 into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid
 2012 wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource
 2013 Management, upon entering into a written agreement, such tax information as may be necessary to
 2014 identify persons receiving workers' compensation indemnity benefits who have failed to report earnings
 2015 as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any
 2016 other officer of any county, city, or town performing any or all of the duties of a commissioner of the
 2017 revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list
 2018 of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii)
 2019 provide to the Executive Director of the Northern Virginia Transportation Commission for his
 2020 confidential use such tax information as may be necessary to facilitate the collection of the motor
 2021 vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the
 2022 name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as
 2023 subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx)
 2024 provide to the developer or the economic development authority of a tourism project authorized by
 2025 § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap

2026 financing; ~~and~~ (xxi) provide to the Virginia Retirement System and the Department of Human Resource
2027 Management, after entering into a written agreement, such tax information as may be necessary to
2028 facilitate the enforcement of subdivision C 4 of § 9.1-401; *and (xxii) provide to the Commissioner of the*
2029 *Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege*
2030 *card or permit under § 46.2-328.3 reported income and deductions from Virginia sources, as defined in*
2031 *§ 58.1-302, on an individual income tax return filed with the Commonwealth within the preceding 12*
2032 *months.* The Tax Commissioner is further authorized to enter into written agreements with duly
2033 constituted tax officials of other states and of the United States for the inspection of tax returns, the
2034 making of audits, and the exchange of information relating to any tax administered by the Department
2035 of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to
2036 the prohibitions and penalties prescribed herein as though he were a tax official.

2037 D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the
2038 commissioner of revenue or other assessing official is authorized to (i) provide, upon written request
2039 stating the reason for such request, the chief executive officer of any county or city with information
2040 furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of
2041 any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the
2042 local sales and use tax revenues payable to the county or city; (ii) provide to the Department of
2043 Professional and Occupational Regulation for its confidential use the name, address, and amount of gross
2044 receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a
2045 profession or occupation administered by the Department of Professional and Occupational Regulation,
2046 only after the Department of Professional and Occupational Regulation exhausts all other means of
2047 obtaining such information; and (iii) provide to any representative of a condominium unit owners'
2048 association, property owners' association or real estate cooperative association, or to the owner of
2049 property governed by any such association, the names and addresses of parties having a security interest
2050 in real property governed by any such association; however, such information shall be released only
2051 upon written request stating the reason for such request, which reason shall be limited to proposing or
2052 opposing changes to the governing documents of the association, and any information received by any
2053 person under this subsection shall be used only for the reason stated in the written request. The treasurer
2054 or other local assessing official may require any person requesting information pursuant to clause (iii) of
2055 this subsection to pay the reasonable cost of providing such information. Any person to whom tax
2056 information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties
2057 prescribed herein as though he were a tax official.

2058 Notwithstanding the provisions of subsection A or B or any other provisions of this title, the
2059 treasurer or other collector of taxes for a county, city or town is authorized to provide information
2060 relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course
2061 of performing his duties to the commissioner of the revenue or other assessing official for such
2062 jurisdiction for use by such commissioner or other official in performing assessments.

2063 This section shall not be construed to prohibit a local tax official from imprinting or displaying on a
2064 motor vehicle local license decal the year, make, and model and any other legal identification
2065 information about the particular motor vehicle for which that local license decal is assigned.

2066 E. Notwithstanding any other provisions of law, state agencies and any other administrative or
2067 regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon
2068 written request, the name, address, and social security number of a taxpayer, necessary for the
2069 performance of the Commissioner's official duties regarding the administration and enforcement of laws
2070 within the jurisdiction of the Department of Taxation. The receipt of information by the Tax
2071 Commissioner or his agent which may be deemed taxpayer information shall not relieve the
2072 Commissioner of the obligations under this section.

2073 F. Additionally, it ~~shall be~~ *is* unlawful for any person to disseminate, publish, or cause to be
2074 published any confidential tax document which he knows or has reason to know is a confidential tax
2075 document. A confidential tax document is any correspondence, document, or tax return that is prohibited
2076 from being divulged by subsection A, B, C, or D and includes any document containing information on
2077 the transactions, property, income, or business of any person, firm, or corporation that is required to be
2078 filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax
2079 document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any
2080 person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

2081 **§ 59.1-442. Sale of purchaser information; notice required.**

2082 A. No merchant, without giving notice to the purchaser, shall sell to any third person information
2083 ~~which that~~ *concerns* the purchaser and ~~which that~~ *is* gathered in connection with the sale, rental, or
2084 exchange of tangible personal property to the purchaser at the merchant's place of business. Notice
2085 required by this section may be by the posting of a sign or any other reasonable method. If requested by
2086 a purchaser not to sell such information, the merchant shall not do so. No merchant shall sell any
2087 information gathered solely as the result of any customer payment by personal check, credit card, or

where the merchant records the *number of the customer's driver's license number or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction.* This subsection shall not be construed as authorizing a merchant to sell to a third person any information concerning a purchaser if the sale or dissemination of the information is prohibited pursuant to § 59.1-443.3.

B. For the purposes of this section and § 59.1-443.3, "merchant" means any person or entity engaged in the sale of goods from a fixed retail location in Virginia.

§ 59.1-443.3. Scanning information from driver's license or identification card; retention, sale, or dissemination of information.

A. No merchant may scan the machine-readable zone of a *driver's license or other document issued by the Department of Motor Vehicles-issued identification card or driver's license under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction,* except for the following purposes:

1. To verify authenticity of the *identification card or driver's license or other document* or to verify the identity of the individual if the individual pays for goods or services with a method other than cash, returns an item, or requests a refund or an exchange;

2. To verify the individual's age when providing age-restricted goods or services to the individual if there is a reasonable doubt of the individual having reached 18 years of age or older;

3. To prevent fraud or other criminal activity if the individual returns an item or requests a refund or an exchange and the merchant uses a fraud prevention service company or system. Information collected by scanning an individual's *identification card or driver's license or other document* pursuant to this subdivision shall be limited to the individual's name, address, and date of birth; and *the number of the driver's license number or identification card number other document;*

4. To comply with a requirement imposed on the merchant by ~~state~~ *the laws of the Commonwealth* or federal law;

5. To provide to a check services company regulated by the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.), that receives information obtained from an individual's *identification card or driver's license or other document* to administer or enforce a transaction or to prevent fraud or other criminal activity; or

6. To complete a transaction permitted under the *federal* Gramm-Leach-Bliley Act, (15 U.S.C. § 6801 et seq.), or the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.).

B. No merchant shall retain any information obtained from a scan of the machine-readable zone of an individual's *identification card or driver's license or other document* except as permitted in subdivision A 3, 4, 5, or 6.

C. No merchant shall sell or disseminate to a third party any information obtained from a scan of the machine-readable zone of an individual's *identification card or driver's license or other document* for any marketing, advertising, or promotional purpose. This subsection shall not prohibit a merchant from disseminating to a third party any such information for a purpose described in subdivision A 3, 4, 5, or 6.

D. Any waiver of a provision of this section is contrary to public policy and is void and unenforceable.

§ 63.2-1916. Notice of administrative support order; contents; hearing; modification.

The Commissioner may proceed against a noncustodial parent whose support debt has accrued or is accruing based upon subrogation to, assignment of, or authorization to enforce a support obligation. Such obligation may be created by a court order for support of a child or child and spouse or decree of divorce ordering support of a child or child and spouse. In the absence of such a court order or decree of divorce, the Commissioner may, pursuant to this chapter, proceed against a person whose support debt has accrued or is accruing based upon payment of public assistance or who has a responsibility for the support of any dependent child or children and their custodial parent. The administrative support order shall also provide that support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until such child reaches the age of 19 or graduates from high school, whichever comes first. The Commissioner shall initiate proceedings by issuing notice containing the administrative support order which shall become effective unless timely contested. The notice shall be served upon the debtor (a) in accordance with the provisions of § 8.01-296, 8.01-327 or 8.01-329 or (b) by certified mail, return receipt requested, or by electronic means, or the debtor may accept service by signing a formal waiver. A copy of the notice shall be provided to the obligee. The notice shall include the following:

1. A statement of the support debt or obligation accrued or accruing and the basis and authority under which the assessment of the debt or obligation was made. The initial administrative support order shall be effective on the date of service and the first monthly payment shall be due on the first of the

month following the date of service and the first of each month thereafter. A modified administrative support order shall be effective the date that notice of the review is served on the nonrequesting party, and the first monthly payment shall be due on the first day of the month following the date of such service and on the first day of each month thereafter. In addition, an amount shall be assessed for the partial month between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation. All payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages, if any;

2. A statement of the name, date of birth, and last four digits of the social security number of the child or children for whom support is being sought;

3. A statement that support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support, until such child reaches the age of 19 or graduates from high school, whichever comes first;

4. A demand for immediate payment of the support debt or obligation or, in the alternative, a demand that the debtor file an answer with the Commissioner within 10 days of the date of service of the notice stating his defenses to liability;

5. If known, the full name, date of birth, and last four digits of the social security number of each parent of the child; however, when a protective order has been issued or the Department otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, only the name of the party at risk shall be included in the order;

6. A statement that if no answer is made on or before 10 days from the date of service of the notice, the administrative support order shall be final and enforceable, and the support debt shall be assessed and determined subject to computation, and is subject to collection action;

7. A statement that the debtor may be subject to mandatory withholding of income, the interception of state or federal tax refunds, interception of payments due to the debtor from the Commonwealth, notification of arrearage information to consumer reporting agencies, passport denial or suspension, or incarceration and that the debtor's property will be subject to lien and foreclosure, distraint, seizure and sale, an order to withhold and deliver, or withholding of income;

8. A statement that the parents shall keep the Department informed regarding access to health insurance coverage and health insurance policy information and a statement that health care coverage shall be required for the parents' dependent children if available at reasonable cost as defined in § 63.2-1900, or pursuant to subsection A of § 63.2-1903. If a child is enrolled in Department-sponsored health care coverage, the Department shall collect the cost of the coverage pursuant to subsection E of § 20-108.2;

9. A statement of each party's right to appeal and the procedures applicable to appeals from the decision of the Commissioner;

10. A statement that the obligor's income shall be immediately withheld to comply with this order unless the obligee, or the Department, if the obligee is receiving public assistance, and obligor agree to an alternative arrangement;

11. A statement that any determination of a support obligation under this section creates a judgment by operation of law and as such is entitled to full faith and credit in any other state or jurisdiction;

12. A statement that each party shall give the Department written notice of any change in his address, including email address, or phone number, including cell phone number, within 30 days;

13. A statement that each party shall keep the Department informed of the name, telephone number and address of his current employer;

14. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid;

15. A statement that a petition may be filed for suspension of any license, certificate, registration, or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

16. A statement that the Department of Motor Vehicles may suspend or refuse to renew the ~~driver's~~ license driving privileges of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings; and

17. A statement that on and after July 1, 1994, the Department of Social Services, as provided in § 63.2-1921 and in accordance with § 20-108.2, may initiate a review of the amount of support ordered

2211 by any court.

2212 If no answer is received by the Commissioner within 10 days of the date of service or acceptance,
 2213 the administrative support order shall be effective as provided in the notice. The Commissioner may
 2214 initiate collection procedures pursuant to this chapter, Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 or
 2215 Title 20. The debtor and the obligee have 10 days from the date of receipt of the notice to file an
 2216 answer with the Commissioner to exercise the right to an administrative hearing.

2217 Any changes in the amount of the administrative order must be made pursuant to this section. In no
 2218 event shall an administrative hearing alter or amend the amount or terms of any court order for support
 2219 or decree of divorce ordering support. No administrative support order may be retroactively modified,
 2220 but may be modified from the date that notice of the review has been served on the nonrequesting party.
 2221 Notice of each review shall be served on the nonrequesting party (1) in accordance with the provisions
 2222 of § 8.01-296, 8.01-327, or 8.01-329, (2) by certified mail, return receipt requested, (3) by electronic
 2223 means, or (4) by the nonrequesting party executing a waiver. The existence of an administrative order
 2224 shall not preclude either an obligor or obligee from commencing appropriate proceedings in a juvenile
 2225 and domestic relations district court or a circuit court.

2226 **§ 63.2-1941. Additional enforcement remedies.**

2227 In addition to its other enforcement remedies, the Division of Child Support Enforcement is
 2228 authorized to:

2229 1. Attach unemployment benefits through the Virginia Employment Commission pursuant to
 2230 § 60.2-608 and workers' compensation benefits through the Workers' Compensation Commission
 2231 pursuant to § 65.2-531; and

2232 2. Suspend an individual's ~~driver's license~~ *driving privileges* pursuant to § 46.2-320.1.

2233 **2. That the provisions of this act shall become effective on January 1, 2020.**

2234 **3. That no later than December 1, 2020, the Commissioner of the Department of Motor Vehicles**
 2235 **shall report to the Chairmen of the House and Senate Committees on Transportation regarding its**
 2236 **progress in implementing the provisions of this act.**

2237 **4. That the provisions of this act may result in a net increase in periods of imprisonment or**
 2238 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
 2239 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
 2240 **correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2018, Special Session I,**
 2241 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**
 2242 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
 2243 **appropriation cannot be determined for periods of commitment to the custody of the Department**
 2244 **of Juvenile Justice.**