

20108060D

## SENATE BILL NO. 34

## FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Surovell  
on February 11, 2020)(Patrons Prior to Substitute—Senators Surovell and Boysko [SB 643])  
Senate Amendments in [ ] - February 11, 2020

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, 46.2-208, 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 sections numbered 46.2-328.3 and 46.2-328.4, relating to driver privilege cards; penalty.

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, 46.2-208, 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 sections numbered 46.2-328.3 and 46.2-328.4 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 the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing

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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  
120 awarding contracts for construction or the purchase of goods or services; information of a proprietary  
121 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. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

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 Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 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 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 response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. 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.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

**§ 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 or 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 or 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.

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

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

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

434 **§ 12.1-19. Duties of clerk; records; copies; personal identifiable information; records related to**  
435 **the administrative activities of the Commission; unauthorized filings.**

436 A. The clerk of the Commission shall:

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

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

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

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

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

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

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

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

489 C. 1. The Commission shall make available for public inspection records related to the administrative  
490 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 amended, supplemented or repealed, shall be uniform in its application throughout the Commonwealth. Such schedule shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for trial. The rule of the Supreme Court establishing the schedule shall be prominently posted in the place where the fines are paid. Fines and costs shall be paid in accordance with the provisions of this Code or any rules or regulations promulgated thereunder.

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

#### § 16.1-228. Definitions.

When As used in this chapter, unless the context otherwise requires a different meaning:

"Abused or neglected child" means any child:

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

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; 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 an abused or neglected child;

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

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

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

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

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

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

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

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

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a

delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, 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.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"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.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"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

798 § 17.1-294;

799 2. Postings related to legitimate law-enforcement purposes;

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

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

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

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

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

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

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

818 This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity  
819 already existing in statutory or common law, or to affect any cause of action accruing prior to July 1,  
820 2005.

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

828 **§ 18.2-6. Meaning of certain terms.**

829 As used in this title:

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

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

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

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

840 **§ 18.2-268.1. Chemical testing to determine alcohol or drug content of blood; definitions.**

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

842 The phrase "alcohol or drug" means alcohol, a drug or drugs, or any combination of alcohol and a  
843 drug or drugs.

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

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

848 "Department" means the Department of Forensic Science.

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

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

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

853 **§ 19.2-258.1. Trial of traffic infractions; measure of proof; failure to appear.**

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

858 When a person charged with a traffic infraction fails to enter a written or court appearance, he shall  
859 be deemed to have waived court hearing and the case may be heard in his absence, after which he shall

be notified of the court's finding. He shall be advised that if he fails to comply with any order of the court therein, the court may order suspension of his ~~driver's license~~ *driving privileges* as provided in § 46.2-395 but the court shall not issue a warrant for his failure to appear pursuant to § 46.2-938.

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

All orders directing the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child 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. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;

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

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

4. If known, the name, date of birth, and last four digits of the social security number of each parent of the child and, unless otherwise ordered, each parent'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 or her~~ *each parent'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;

5. Notice that, pursuant to § 20-124.2, support will 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 occurs first, and that the court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support 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;

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

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

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

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

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

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

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

951 17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor  
952 Vehicles may suspend or refuse to renew the driver's license, *or other document issued under Chapter 3*  
953 *(§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways*, of any  
954 person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in  
955 the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply  
956 with a subpoena, summons, or warrant relating to paternity or child support proceedings.

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

959 **§ 20-107.1. Court may decree as to maintenance and support of spouses.**

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

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

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

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

981 E. The court, in determining whether to award support and maintenance for a spouse, shall consider  
982 the circumstances and factors which contributed to the dissolution of the marriage, specifically including



adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court shall consider the following:

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

2. The standard of living established during the marriage;

3. The duration of the marriage;

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

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

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

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

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

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

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

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

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

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

F. In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal support shall be accompanied by written findings and conclusions of the court identifying the factors in subsection E which support the court's order. Any order granting or reserving any request for spousal support shall state whether the retirement of either party was contemplated by the court and specifically considered by the court in making its award, and, if so, the order shall state the facts the court contemplated and specifically considered as to the retirement of the party. If the court awards 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 education component.

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

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

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

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

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

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

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

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

A. The Department of Motor Vehicles shall include on the application 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, as a predicate to offering a voter registration application pursuant to § 24.2-411.1, a statement asking the applicant if he is a United States citizen. If the applicant indicates a noncitizen status, the Department of Motor Vehicles shall not offer that applicant the opportunity to apply for voter registration. If the applicant indicates that he is a United States citizen and that he wishes to register to vote or change his voter registration address, the statement that he is a United States citizen shall become part of the voter registration application offered to the applicant. Information on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

B. Additionally, the Department of Motor Vehicles shall furnish monthly to the Department of Elections a complete list of all persons who have indicated a noncitizen status to the Department of Motor Vehicles in obtaining 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. The Department of Elections shall transmit the information from the list to the appropriate general registrars. Information in the lists shall be confidential and available only for official use by the Department of Elections and general registrars.

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."

1167 Any completed application for voter registration submitted by a person who is already registered  
1168 shall serve as a written request to update his registration record. Any change of address form submitted  
1169 for purposes of a motor vehicle driver's license or ~~special identification card~~ and other document issued  
1170 under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 shall serve as notification of change of address for  
1171 voter registration for the registrant involved unless the registrant states on the form that the change of  
1172 address is not for voter registration purposes. If the information from the notification of change of  
1173 address for voter registration indicates that the registered voter has moved to another general registrar's  
1174 jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the  
1175 registered voter. The notification and the registered voter's registration record shall be transmitted as  
1176 directed by the Department of Elections to the appropriate general registrar who shall send confirmation  
1177 documents of the transfer to the voter pursuant to § 24.2-424. The Department of Motor Vehicles and  
1178 Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the  
1179 notification to the appropriate general registrar.

1180 C. The completed voter registration portion of the application shall be transmitted as directed by the  
1181 Department of Elections not later than five business days after the date of receipt. The Department of  
1182 Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or  
1183 other means of the voter registration portion of the application to the appropriate general registrar.

1184 D. The Department of Elections shall maintain statistical records on the number of applications to  
1185 register to vote with information provided from the Department of Motor Vehicles.

1186 E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as  
1187 authorized by law for official use, the social security number, or any part thereof, of any applicant for  
1188 voter registration.

1189 F. The Department of Motor Vehicles shall provide assistance as required in providing voter photo  
1190 identification cards as provided in subdivision A 3 of § 24.2-404.

1191 **§ 24.2-416.7. Application for voter registration by electronic means.**

1192 A. Notwithstanding any other provision of law, a person who is qualified to register to vote may  
1193 apply to register to vote by electronic means as authorized by the State Board by completing an  
1194 electronic registration application.

1195 B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of  
1196 §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence  
1197 within the Commonwealth by electronic means as authorized by the State Board by completing an  
1198 electronic registration application.

1199 C. An electronic registration application completed pursuant to this article shall require that an  
1200 applicant:

1201 1. Provide the information as required under § 24.2-418;

1202 2. Have a Virginia driver's license or ~~special identification card~~ and other document issued by the  
1203 Department of Motor Vehicles under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2;

1204 3. Provide a social security number and Department of Motor Vehicles customer identifier number  
1205 that matches the applicant's record in the Department of Motor Vehicles records;

1206 4. Attest to the truth of the information provided;

1207 5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act  
1208 (§ 59.1-479 et seq.); and

1209 6. Affirmatively authorize the Department of Elections and general registrar to use the applicant's  
1210 signature obtained by the Department of Motor Vehicles for voter registration purposes.

1211 D. In order for an individual to complete a transaction under this article, the general registrar shall  
1212 verify that the Department of Motor Vehicles customer identifier number, date of birth, and social  
1213 security number provided by the applicant match the information contained in the Department of Motor  
1214 Vehicles records.

1215 E. The Department of Motor Vehicles shall provide to the Department of Elections a digital copy of  
1216 the applicant's signature on record with the Department of Motor Vehicles.

1217 F. The Department of Elections shall transmit to the general registrar an applicant's completed voter  
1218 registration application and digital signature not later than five business days after the date of receipt.

1219 G. Each transaction taking place under this section shall be accompanied by the following statement  
1220 featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A  
1221 MATERIALLY FALSE STATEMENT DURING THIS TRANSACTION CONSTITUTES THE CRIME  
1222 OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY.  
1223 VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS  
1224 IN JAIL AND/OR FINED UP TO \$2,500."

1225 H. The Department of Elections may use additional security measures approved by the State Board to  
1226 ensure the accuracy and integrity of registration transactions performed under this article.

1227 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

1228 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers

of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and the voter may give such information orally or in writing. The officer of election shall repeat, in a voice audible to party and candidate representatives present, the full name and address provided by the voter. The officer shall ask the voter to present any one of the following forms of identification: his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States, *other than a driver privilege card issued under § 46.2-328.3*; any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in a form identical to or substantially similar to the name on the presented form of identification and the name provided by the voter, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address provided by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties 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.

1290 "Document of gift" means a donor card or other record used to make an anatomical gift. The term  
1291 includes a statement or symbol on a driver's license, identification card, or donor registry.  
1292 "Donor" means an individual whose body or part is the subject of an anatomical gift.  
1293 "Donor registry" means a database that contains records of anatomical gifts.  
1294 "Driver's license" means a license or ~~permit~~ *other document* issued by the ~~Virginia~~ Department of  
1295 Motor Vehicles ~~to operate under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation~~  
1296 ~~of a motor vehicle upon the highways, whether or not conditions are attached to the license or permit~~  
1297 ~~other document.~~  
1298 "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to  
1299 engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions  
1300 of human eyes and that is a member of the Virginia Transplant Council, accredited by the Eye Bank  
1301 Association of America or the American Association of Tissue Banks and operating in the  
1302 Commonwealth of Virginia.  
1303 "Guardian" means a person appointed by a court to make decisions regarding the support, care,  
1304 education, health, or welfare of an individual. The term does not include a guardian ad litem, except  
1305 when the guardian ad litem is authorized by a court to consent to donation.  
1306 "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as  
1307 a hospital by the United States, a state, or a subdivision of a state.  
1308 "Identification card" means an identification card issued by the ~~Virginia~~ Department of Motor  
1309 Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.*  
1310 "Know" means to have actual knowledge.  
1311 "Minor" means an individual who is under 18 years of age.  
1312 "Organ procurement organization" means a person designated by the Secretary of the United States  
1313 Department of Health and Human Services as an organ procurement organization that is also a member  
1314 of the Virginia Transplant Council.  
1315 "Parent" means a parent whose parental rights have not been terminated.  
1316 "Part" means an organ, an eye, or tissue of a human being. The term does not include the whole  
1317 body.  
1318 "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability  
1319 company, association, joint venture, public corporation, government or governmental subdivision,  
1320 agency, or instrumentality, or any other legal or commercial entity.  
1321 "Physician" means an individual authorized to practice medicine or osteopathy under the law of any  
1322 state.  
1323 "Procurement organization" means an eye bank, organ procurement organization, or tissue bank that  
1324 is a member of the Virginia Transplant Council.  
1325 "Prospective donor" means an individual who is dead or whose death is imminent and has been  
1326 determined by a procurement organization to have a part that could be medically suitable for  
1327 transplantation, therapy, research, or education. The term does not include an individual who has made a  
1328 refusal.  
1329 "Reasonably available" means able to be contacted by a procurement organization without undue  
1330 effort and willing and able to act in a timely manner consistent with existing medical criteria necessary  
1331 for the making of an anatomical gift.  
1332 "Recipient" means an individual into whose body a decedent's part has been or is intended to be  
1333 transplanted.  
1334 "Record" means information that is inscribed on a tangible medium or that is stored in an electronic  
1335 or other medium and is retrievable in perceivable form.  
1336 "Refusal" means a record created under § 32.1-291.7 that expressly states an intent to bar other  
1337 persons from making an anatomical gift of an individual's body or part.  
1338 "Sign" means, with the present intent to authenticate or adopt a record:  
1339 1. To execute or adopt a tangible symbol; or  
1340 2. To attach to or logically associate with the record an electronic symbol, sound, or process.  
1341 "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States  
1342 Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.  
1343 "Technician" means an individual determined to be qualified to remove or process parts by an  
1344 appropriate organization that is licensed, accredited, or regulated under federal or state law. The term  
1345 includes an enucleator.  
1346 "Tissue" means a portion of the human body other than an organ or an eye. The term does not  
1347 include blood unless the blood is donated for the purpose of research or education.  
1348 "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to  
1349 engage in the recovery, screening, testing, processing, storage, or distribution of tissue and that is a  
1350 member of the Virginia Transplant Council, accredited by the American Association of Tissue Banks,  
1351 and operating in the Commonwealth of Virginia.

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

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

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

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. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control Authority and special agents of the Virginia Alcoholic Beverage Control Authority;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating firefighting equipment and emergency medical services vehicles as defined in § 32.1-111.1;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the 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. Any mandatory evacuation during a state of emergency as defined in § 44-146.16 shall require the temporary suspension of toll collection operations in affected evacuation zones on routes designated as mass evacuation routes. The Commissioner of Highways shall reinstate toll collection when the mandatory evacuation period ends.

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

1413 or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being  
1414 severely physically disabled and having permanent upper limb mobility or dexterity impairments that  
1415 substantially impair his ability to deposit coins in toll baskets;

1416 3. The driver has applied for and received from the Department of Transportation a vehicle window  
1417 sticker identifying him as eligible for such free passage; and

1418 4. Such identifying window sticker is properly displayed on the vehicle.

1419 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the  
1420 Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by  
1421 those persons exempted from tolls pursuant to this subsection and shall accept any payments made by  
1422 such persons.

1423 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the  
1424 provisions of § 22.1-187.

1425 F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use  
1426 the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or  
1427 facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation  
1428 Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the  
1429 conduct of official business:

- 1430 1. The Commissioner of Highways;
- 1431 2. Members of the Commonwealth Transportation Board;
- 1432 3. Employees of the Department of Transportation;
- 1433 4. The Superintendent of the Department of State Police;
- 1434 5. Officers and employees of the Department of State Police;
- 1435 6. The Commissioner of the Department of Motor Vehicles;
- 1436 7. Employees of the Department of Motor Vehicles; and
- 1437 8. Sheriffs and deputy sheriffs.

1438 However, in the event of a mandatory evacuation and suspension of tolls pursuant to subdivision B  
1439 2, the Commissioner of Highways or his designee shall order the temporary suspension of toll collection  
1440 operations on facilities of all operators authorized to operate a toll facility pursuant to the Public-Private  
1441 Transportation Act of 1995 (§ 33.2-1800 et seq.) that has been designated as a mass evacuation route in  
1442 affected evacuation zones, to the extent such order is necessary to facilitate evacuation and is consistent  
1443 with the terms of the applicable comprehensive agreement between the operator and the Department.  
1444 The Commissioner of Highways shall authorize the reinstatement of toll collections suspended pursuant  
1445 to this subsection when the mandatory evacuation period ends or upon the reinstatement of toll  
1446 collections on other tolled facilities in the same affected area, whichever occurs first.

1447 G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in  
1448 Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements  
1449 of subdivisions D 1 through 4.

1450 H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of  
1451 the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of  
1452 subdivision B 1 of § 56-543, such vehicles shall not be permitted toll-free use of a roadway as defined  
1453 pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

1454 **§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle**  
1455 **insurance policies; review by Commissioner.**

1456 A. The following definitions shall apply to this section:

1457 "Cancellation" or "to cancel" means a termination of a policy during the policy period.

1458 "Insurer" means any insurance company, association, or exchange licensed to transact motor vehicle  
1459 insurance in this Commonwealth.

1460 "Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or  
1461 property damage liability insurance issued or delivered in this Commonwealth covering liability arising  
1462 from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one  
1463 individual or husband and wife who are residents of the same household, and under which the insured  
1464 vehicle designated in the policy is either:

1465 a. A motor vehicle of a private passenger, station wagon, or motorcycle type that is not used  
1466 commercially, rented to others, or used as a public or livery conveyance where the term "public or  
1467 livery conveyance" does not include car pools, or

1468 b. Any other four-wheel motor vehicle which is not used in the occupation, profession, or business,  
1469 other than farming, of the insured, or as a public or livery conveyance, or rented to others. The term  
1470 "policy of motor vehicle insurance" or "policy" does not include (i) any policy issued through the  
1471 Virginia Automobile Insurance Plan, (ii) any policy covering the operation of a garage, sales agency,  
1472 repair shop, service station, or public parking place, (iii) any policy providing insurance only on an  
1473 excess basis, or (iv) any other contract providing insurance to the named insured even though the  
1474 contract may incidentally provide insurance on motor vehicles.



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

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

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

- a. Age;
  - b. Sex;
  - c. Residence;
  - d. Race;
  - e. Color;
  - f. Creed;
  - g. National origin;
  - h. Ancestry;
  - i. Marital status;
  - j. Lawful occupation, including the military service;
  - k. Lack of driving experience, or number of years driving experience;
  - l. Lack of supporting business or lack of the potential for acquiring such business;
  - m. One or more accidents or violations that occurred more than 48 months immediately preceding the upcoming anniversary date;
  - n. One or more claims submitted under the uninsured motorists coverage of the policy where the uninsured motorist is known or there is physical evidence of contact;
  - o. A single claim by a single insured submitted under the medical expense coverage due to an accident for which the insured was neither wholly nor partially at fault;
  - p. One or more claims submitted under the comprehensive or towing coverages. However, nothing in this section shall prohibit an insurer from modifying or refusing to renew the comprehensive or towing coverages at the time of renewal of the policy on the basis of one or more claims submitted by an insured under those coverages, provided that the insurer shall mail or deliver to the insured at the address shown in the policy, or deliver electronically to the address provided by the named insured, written notice of any such change in coverage at least 45 days prior to the renewal;
  - q. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused either wholly or partially by the named insured, a resident of the same household, or other customary operator;
  - r. Credit information contained in a "consumer report," as defined in the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing or credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit information shall be based on a consumer report procured within 120 days from the effective date of the nonrenewal. The provisions of this subdivision shall apply only to insurance purchased primarily for personal, family, or household purposes;
  - 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; or
  - t. The status of the person as a foster care provider or a person in foster care.
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 1 n, o, and p 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,

1536 whether payable to the insurer or its agent either directly or indirectly under any premium finance plan  
1537 or extension of credit.

1538 3. The named insured or his duly constituted attorney-in-fact has notified the insurer of a change in  
1539 the insured's legal residence to a state other than Virginia and the insured vehicle will be principally  
1540 garaged in the new state of legal residence.

1541 E. No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall be  
1542 effective unless the insurer delivers or mails to the named insured at the address shown in the policy a  
1543 written notice of the cancellation or refusal to renew, or the insurer delivers such notice electronically to  
1544 the address provided by the named insured. The notice shall:

1545 1. Be in a type size authorized under § 38.2-311.

1546 2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation  
1547 or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of  
1548 cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed  
1549 for the reason set forth in subdivision D 2 the effective date may be less than 45 days but at least 15  
1550 days from the date of mailing or delivery.

1551 3. State the specific reason of the insurer for cancellation or refusal to renew and provide for the  
1552 notification required by §§ 38.2-608, 38.2-609, and subsection B of § 38.2-610. However, those  
1553 notification requirements shall not apply when the policy is being canceled or not renewed for the  
1554 reason set forth in subdivision D 2.

1555 4. Inform the insured of his right to request in writing within 15 days of the receipt of the notice that  
1556 the Commissioner review the action of the insurer.

1557 The notice of cancellation or refusal to renew shall contain the following statement to inform the  
1558 insured of such right:

1559 **IMPORTANT NOTICE**

1560 Within 15 days of receiving this notice, you or your attorney may request in writing that the  
1561 Commissioner of Insurance review this action to determine whether the insurer has complied with  
1562 Virginia laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the  
1563 cancellation or nonrenewal laws, the Commissioner may require that your policy be reinstated. However,  
1564 the Commissioner is prohibited from making underwriting judgments. If this insurer has complied with  
1565 the cancellation or nonrenewal laws, the Commissioner does not have the authority to overturn this  
1566 action.

1567 5. Inform the insured of the possible availability of other insurance which may be obtained through  
1568 his agent, through another insurer, or through the Virginia Automobile Insurance Plan.

1569 6. If sent by mail or delivered electronically, comply with the provisions of § 38.2-2208.

1570 Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation  
1571 or refusal to renew, any additional disclosure statements required by state or federal laws, or any  
1572 additional information relating to the availability of other insurance.

1573 F. Nothing in this section shall apply:

1574 1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew  
1575 by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has  
1576 manifested its willingness to renew in writing to the insured. The written manifestation shall include the  
1577 name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and  
1578 information regarding the estimated renewal premium. The insurer shall retain a copy of each written  
1579 manifestation for a period of at least one year from the expiration date of any policy that is not  
1580 renewed;

1581 2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent  
1582 orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy  
1583 to be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he  
1584 fails to accept the offer of the insurer to renew the policy;

1585 3. To any motor vehicle insurance policy which has been in effect less than 60 days when the  
1586 termination notice is mailed or delivered to the insured, unless it is a renewal policy; or

1587 4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than  
1588 would have been charged for the same exposures on the expiring policy. The affiliated insurer shall  
1589 manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at  
1590 least equal to those contained in the expiring policy unless the named insured has requested a change in  
1591 coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be  
1592 required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be  
1593 deemed to be a renewal policy.

1594 G. There shall be no liability on the part of and no cause of action of any nature shall arise against  
1595 the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its  
1596 employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal  
1597 to renew, for any statement made by any of them in complying with this section or for providing

information pertaining to the cancellation or refusal to renew. For the purposes of this section, no insurer shall be required to furnish a notice of cancellation or refusal to renew to anyone other than the named insured, any person designated by the named insured, or any other person to whom such notice is required to be given by the terms of the policy and the Commissioner.

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

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

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

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

**§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;
2. Driver information, including all data that relates to driver's license status and driver activity; and
3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical data included in personal data shall be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.

2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.

3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.

4. When the person requesting the information is (i) the subject of the information, (ii) the parent or guardian of the subject of the information, (iii) the authorized representative of the subject of the information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the information, (c) the authorized representative of the subject of the information, or (d) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and vehicle information in the form of an abstract of the record.

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any

1659 conviction of a violation of any provision of any statute or ordinance relating to the operation or  
1660 ownership of a motor vehicle or of any injury or damage in which he was involved and a report of  
1661 which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60  
1662 months from the date of the conviction or accident unless the Commissioner or court used the  
1663 conviction or accident as a reason for the suspension or revocation of a driver's license or driving  
1664 privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto  
1665 shall not be reported after 60 months from the date that the driver's license or driving privilege has been  
1666 reinstated. This abstract shall not be admissible in evidence in any court proceedings.

1667 6. On the written request of any business organization or its agent, in the conduct of its business, the  
1668 Commissioner shall compare personal information supplied by the business organization or agent with  
1669 that contained in the Department's records and, when the information supplied by the business  
1670 organization or agent is different from that contained in the Department's records, provide the business  
1671 organization or agent with correct information as contained in the Department's records. Personal  
1672 information provided under this subdivision shall be used solely for the purpose of pursuing remedies  
1673 that require locating an individual.

1674 7. The Commissioner shall provide vehicle information to any business organization or agent on such  
1675 business' or agent's written request. Disclosures made under this subdivision shall not include any  
1676 personal information and shall not be subject to the limitations contained in subdivision 6.

1677 8. On the written request of any motor vehicle rental or leasing company or its designated agent, the  
1678 Commissioner shall (i) compare personal information supplied by the company or agent with that  
1679 contained in the Department's records and, when the information supplied by the company or agent is  
1680 different from that contained in the Department's records, provide the company or agent with correct  
1681 information as contained in the Department's records and (ii) provide the company or agent with driver  
1682 information in the form of an abstract of any person subject to the provisions of this title. Such abstract  
1683 shall include any record of any conviction of a violation of any provision of any statute or ordinance  
1684 relating to the operation or ownership of a motor vehicle or of any injury or damage in which the  
1685 subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract  
1686 shall include any record of any conviction or accident more than 60 months after the date of such  
1687 conviction or accident unless the Commissioner or court used the conviction or accident as a reason for  
1688 the suspension or revocation of a driver's license or driving privilege, in which case the revocation or  
1689 suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract  
1690 after 60 months from the date on which the driver's license or driving privilege was reinstated. No  
1691 abstract released under this subdivision shall be admissible in evidence in any court proceedings.

1692 9. On the request of any federal, state, or local governmental entity, local government group  
1693 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized  
1694 agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the  
1695 governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for  
1696 the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the  
1697 Department's records and, when the information supplied by the governmental entity, local government  
1698 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the  
1699 authorized agent of any of the foregoing, is different from that contained in the Department's records,  
1700 provide the governmental entity, local government group self-insurance pool, law-enforcement officer,  
1701 attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct  
1702 information as contained in the Department's records and (ii) provide driver and vehicle information in  
1703 the form of an abstract of the record showing all convictions, accidents, and driver's license suspensions  
1704 or revocations. The Commissioner may also release other appropriate information as the governmental  
1705 entity, local government group self-insurance pool, law-enforcement officer, attorney for the  
1706 Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out  
1707 its official functions. The abstract shall be provided free of charge. *Nothing in this subdivision shall*  
1708 *authorize a disclosure of information otherwise prohibited pursuant to subdivision 33.*

1709 10. On request of the driver licensing authority in any other state or foreign country, the  
1710 Commissioner shall provide whatever classes of information the requesting authority shall require in  
1711 order to carry out its official functions. The information shall be provided free of charge.

1712 11. On the written request of any employer, prospective employer, or authorized agent of either, and  
1713 with the written consent of the individual concerned, the Commissioner shall (i) compare personal  
1714 information supplied by the employer, prospective employer, or agent with that contained in the  
1715 Department's records and, when the information supplied by the employer, prospective employer, or  
1716 agent is different from that contained in the Department's records, provide the employer, prospective  
1717 employer, or agent with correct information as contained in the Department's records and (ii) provide the  
1718 employer, prospective employer, or agent with driver information in the form of an abstract of an  
1719 individual's record showing all convictions, accidents, driver's license suspensions or revocations, and  
1720 any type of driver's license that the individual currently possesses, provided that the individual's position

or the position that the individual is being considered for involves the operation of a motor vehicle.

12. On the written request of any member of or applicant for membership in a volunteer fire company or any volunteer emergency medical services personnel or applicant to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the volunteer fire company or volunteer emergency medical services agency with that contained in the Department's records and, when the information supplied by the volunteer fire company or volunteer emergency medical services agency is different from that contained in the Department's records, provide the volunteer fire company or volunteer emergency medical services agency with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency to serve as a member of a volunteer emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer emergency medical services agency to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America is different from that contained in the Department's records, provide the Virginia affiliate of Big Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15. Upon the request of any employer, prospective employer, or authorized representative of either, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

16. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

17. Upon the request of an attorney representing a person in a motor vehicle accident, the Commissioner shall provide vehicle information, including the owner's name and address, to the attorney.

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle information, including the owner's name and address, descriptive data and title, registration, and vehicle activity data as requested or (ii) all driver information including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia meeting the request criteria designated by such person, with such request criteria consisting of driver's license number or address information. No such information shall be used for solicitation of sales, marketing, or other commercial purposes.

19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a

1782 warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner  
1783 shall provide vehicle information, including the owner's name and address.

1784 20. Upon written request of the compliance agent of a private security services business, as defined  
1785 in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall  
1786 provide the name and address of the owner of the vehicle under procedures determined by the  
1787 Commissioner.

1788 21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting  
1789 on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee  
1790 of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a  
1791 government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under  
1792 subsection M of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5.  
1793 Information released pursuant to this subdivision shall be limited to the name and address of the owner  
1794 of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having  
1795 improperly used the Dulles Access Highway and the vehicle information, including all descriptive  
1796 vehicle data and title and registration data of the same vehicle.

1797 22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate  
1798 of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of  
1799 Compeer with that contained in the Department's records and, when the information supplied by a  
1800 Virginia affiliate of Compeer is different from that contained in the Department's records, provide the  
1801 Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii)  
1802 provide driver information in the form of an abstract of the applicant's record showing all convictions,  
1803 accidents, license suspensions or revocations, and any type of driver's license that the individual  
1804 currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the  
1805 request is accompanied by appropriate written evidence that the person has applied to be a volunteer  
1806 with a Virginia affiliate of Compeer.

1807 23. Upon the request of the Department of Environmental Quality for the purpose of obtaining  
1808 vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles,  
1809 pursuant to § 46.2-1178.1.

1810 24. On the written request of any person who has applied to be a volunteer vehicle operator with a  
1811 Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information  
1812 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's  
1813 records and, when the information supplied by a Virginia chapter of the American Red Cross is different  
1814 from that contained in the Department's records, provide the Virginia chapter of the American Red Cross  
1815 with correct information as contained in the Department's records and (ii) provide driver information in  
1816 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions  
1817 or revocations, and any type of driver's license that the individual currently possesses. Such abstract  
1818 shall be provided at a fee that is one-half the normal charge if the request is accompanied by  
1819 appropriate written evidence that the person has applied to be a volunteer vehicle operator with a  
1820 Virginia chapter of the American Red Cross.

1821 25. On the written request of any person who has applied to be a volunteer vehicle operator with a  
1822 Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information  
1823 supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records  
1824 and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that  
1825 contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct  
1826 information as contained in the Department's records and (ii) provide driver information in the form of  
1827 an abstract of the applicant's record showing all convictions, accidents, license suspensions or  
1828 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall  
1829 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate  
1830 written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of  
1831 the Civil Air Patrol.

1832 26. On the written request of any person who has applied to be a volunteer vehicle operator with  
1833 Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action  
1834 with that contained in the Department's records and, when the information supplied by Faith in Action is  
1835 different from that contained in the Department's records, provide Faith in Action with correct  
1836 information as contained in the Department's records and (ii) provide driver information in the form of  
1837 an abstract of the applicant's record showing all convictions, accidents, license suspensions or  
1838 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall  
1839 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate  
1840 written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

1841 27. On the written request of the surviving spouse or child of a deceased person or the executor or  
1842 administrator of a deceased person's estate, the Department shall, if the deceased person had been issued  
1843 a driver's license or special identification card by the Department, supply the requestor with a hard copy

image of any photograph of the deceased person kept in the Department's records.

28. On the written request of any person who has applied to be a volunteer with a Virginia Council of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and, when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of the Girl Scouts of the USA.

29. Upon written agreement, the Commissioner may digitally verify the authenticity and validity of a driver's license, learner's permit, or special identification card to the American Association of Motor Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or other organization approved by the Commissioner.

30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having passed a stopped school bus and the vehicle information, including all descriptive vehicle data and title and registration data for such vehicle.

C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require.

D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.

F. In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.

G. The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.

H. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.

I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2, subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records shall be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision B 9.

J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the National Motor Vehicle Title Information System, or any other nationally recognized system providing similar information, or any entity contracted to collect information for such system, and may provide whatever classes of information are required by such system.

~~[ K. Notwithstanding the provisions of this section, the Department shall not provide, disclose, share, or otherwise provide access to any information to or enter into an information-sharing agreement with any data broker, information broker, information reseller, or for-profit corporation or any other entity that is in the business of aggregating, distributing, or selling such information. The provisions of this section shall not impact any information-sharing agreement entered into prior to July 1, 2020, provided that such agreement complies with federal law. ]~~

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

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

1905 B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345,  
 1906 an applicant who presents in person valid documentary evidence of (i) a valid, unexpired nonimmigrant  
 1907 visa or nonimmigrant visa status for entry into the United States; (ii) a pending or approved application  
 1908 for asylum in the United States; (iii) entry into the United States in refugee status; (iv) a pending or  
 1909 approved application for temporary protected status in the United States; (v) approved deferred action  
 1910 status; or (vi) a pending application for adjustment of status to legal permanent residence status or  
 1911 conditional resident status, *that a federal court or federal agency having jurisdiction over immigration*  
 1912 *has authorized the applicant to be in the United States* may be issued a ~~temporary~~ limited-duration  
 1913 license, permit, or special identification card. Such ~~temporary~~ limited-duration license, permit, or special  
 1914 identification card shall be valid only during the period of time of the applicant's authorized stay in the  
 1915 United States or if there is no definite end to the period of authorized stay a period of one year. No  
 1916 license, permit, or special identification card shall be issued if an applicant's authorized stay in the  
 1917 United States is less than 30 days from the date of application. Any ~~temporary~~ limited-duration license,  
 1918 permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is  
 1919 ~~temporary~~ valid for a limited period and shall state the date that it expires. Such a ~~temporary~~  
 1920 limited-duration license, permit, or special identification card may be renewed only upon presentation of  
 1921 valid documentary evidence that the status by which the applicant qualified for the ~~temporary~~  
 1922 limited-duration license, permit, or special identification has been extended by the United States  
 1923 Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the  
 1924 Department of Homeland Security *a federal court or federal agency having jurisdiction over*  
 1925 *immigration.*

1926 C. Any license, permit, or special identification card for which an application has been made for  
 1927 renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the  
 1928 provisions of subsection A, provided that, at the time the application is made, (i) the license, permit, or  
 1929 special identification card has not expired or been cancelled, suspended, or revoked or (ii) the license,  
 1930 permit, or special identification card has been canceled or suspended as a result of the applicant having  
 1931 been placed under medical review by the Department pursuant to § 46.2-322. The requirements of  
 1932 subsection A shall apply, however, to a renewal, duplication, or reissuance if the Department is notified  
 1933 by a local, state, or federal government agency that the individual seeking such renewal, duplication, or  
 1934 reissuance is neither a citizen of the United States nor legally in the United States.

1935 D. The Department shall cancel any license, permit, or special identification card that it has issued to  
 1936 an individual if it is notified by a federal government agency that the individual is neither a citizen of  
 1937 the United States nor legally present in the United States.

1938 E. For any applicant who presents a document pursuant to this section proving legal presence other  
 1939 than citizenship, the Department shall record and provide to the State Board of Elections monthly the  
 1940 applicant's document number, if any, issued by an agency or court of the United States government.

1941 **§ 46.2-328.3. Driver privilege cards and permits.**

1942 A. Upon application of any person who does not meet the requirements for a driver's license or  
 1943 permit under subsection A or B of § 46.2-328.1, the Department may issue to the applicant a driver  
 1944 privilege card or permit if the Department determines that the applicant (i) has reported income and  
 1945 deductions from Virginia sources, as defined in § 58.1-302, on an individual income tax return filed with  
 1946 the Commonwealth in the preceding 12 months; and (ii) is not in violation of the insurance  
 1947 requirements set forth in Article 8 (§ 46.2-705 et seq.) of Chapter 6.

1948 B. Driver privilege cards and permits shall confer the same privileges and shall be subject to the  
 1949 same provisions of this title as driver's licenses and permits issued under this chapter, unless otherwise  
 1950 provided, and shall be subject to the following conditions and exceptions:

1951 1. Driver privilege cards and permits shall state "NOT VALID IDENTIFICATION FOR FEDERAL,  
 1952 VOTING, OR PUBLIC BENEFIT PURPOSES" in conspicuous, bold print on the face of the card or  
 1953 permit;

1954 2. An applicant for a driver privilege card or permit shall not be eligible for a waiver of any part of  
 1955 the driver examination provided under § 46.2-325;

1956 3. An applicant for a driver privilege card or permit shall not be required to present proof of legal  
 1957 presence in the United States;

1958 4. A driver privilege card or permit shall expire on the applicant's second birthday following the  
 1959 date of issuance; and

1960 5. The fee for an original driver privilege card or permit shall be \$100; however, the Department  
 1961 may issue, upon application by the holder of a valid, unexpired card or permit issued under this section,  
 1962 and upon payment of a fee of \$50, another driver privilege card or permit that shall be valid for a  
 1963 period of two years from the date of issuance.

1964 **§ 46.2-328.4. Release of information.**

1965 Notwithstanding the provisions of § 46.2-208, the Department shall not release, except upon request  
 1966 by the subject of the information, the parent of a minor who is the subject of the information, the



guardian of the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driving credential or a special identification card, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential or a special identification card.

The Department shall release to any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing information that is required for a requester to carry out the requester's official functions in accordance with this section if the requester provides the individual's name and other sufficient identifying information contained on the individual's record. If the requester has entered into an agreement with the Department, such agreement shall be in a manner prescribed by the Department and such agreement shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall refuse to enter into any agreement. If the requester submits a request for information in accordance with this section without an existing agreement to receive the information, the request shall be in a manner prescribed by the Department and such request shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official function, the Commissioner shall deny such request.

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

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

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

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of

2028 a driver's license that is not a commercial driver's license and the requirement for the taking of the  
2029 written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial  
2030 Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision  
2031 examination for applicants for renewal of a commercial driver's license or of the knowledge test required  
2032 by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a  
2033 commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years  
2034 old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a  
2035 vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto  
2036 by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the  
2037 standards contained in § 46.2-311.

2038 D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent  
2039 on any examination of the applicant, shall appear in person before the Department to apply for renewal,  
2040 unless specifically notified by the Department that renewal may be accomplished in another manner as  
2041 provided in the notice.

2042 E. This section shall not modify the provisions of § 46.2-221.2.

2043 F. 1. The Department shall electronically transmit application information, including a photograph, to  
2044 the Department of State Police, in a format approved by the State Police, for comparison with  
2045 information contained in the Virginia Criminal Information Network and National Crime Information  
2046 Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license.  
2047 Whenever it appears from the records of the State Police that a person has failed to comply with the  
2048 duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall  
2049 promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant  
2050 or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the  
2051 person last registered or reregistered or in the jurisdiction where the person made application for  
2052 licensure. The Department of State Police shall electronically transmit to the Department, in a format  
2053 approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1,  
2054 registry information consisting of the person's name, all aliases that he has used or under which he may  
2055 have been known, his date of birth, and his social security number as set out in § 9.1-903.

2056 2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not  
2057 waive the requirement that each such person shall appear for each renewal or the requirement to obtain  
2058 a photograph in accordance with subsection C of § 46.2-323.

2059 **§ 46.2-332. Fees.**

2060 ~~On and after January 1, 1990, the~~ The fee for each driver's license other than a commercial driver's  
2061 license shall be \$2.40 per year. *This fee shall not apply to driver privilege cards or permits issued under*  
2062 *§ 46.2-328.3. If the license is a commercial driver's license or seasonal restricted commercial driver's*  
2063 *license, the fee shall be \$6 per year. Persons 21 years old or older may be issued a senior driver's*  
2064 *license, learner's permit, or commercial driver's license for an additional fee of \$5. For any one or more*  
2065 *driver's license endorsements or classifications, except a motorcycle classification, there shall be an*  
2066 *additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per*  
2067 *year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For*  
2068 *any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10*  
2069 *shall be charged to extend the validity period of a driver's license pursuant to subsection B of*  
2070 *§ 46.2-221.2.*

2071 In addition to any other fee imposed and collected by the Department, the Department shall impose  
2072 and collect a service charge of \$5 upon each person who carries out the renewal of a driver's license or  
2073 special identification card in any of the Department's Customer Service Centers if such renewal can be  
2074 conducted by mail or telephone or by using an electronic medium in a format prescribed by the  
2075 Commissioner. Such service charge shall not apply if, concurrently with the renewal of the driver's  
2076 license or special identification card, the person undertakes another transaction at a Customer Service  
2077 Center that cannot be conducted by mail or telephone or by using an electronic medium in a format  
2078 prescribed by the Commissioner. Such service charge shall be paid by the Commissioner into the state  
2079 treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

2080 A reexamination fee of \$2 shall be charged for each administration of the knowledge portion of the  
2081 driver's license examination taken by an applicant who is 18 years of age or older if taken more than  
2082 once within a 15-day period. The reexamination fee shall be charged each time the examination is  
2083 administered until the applicant successfully completes the examination, if taken prior to the fifteenth  
2084 day.

2085 An applicant who is less than 18 years of age who does not successfully complete the knowledge  
2086 portion of the driver's license examination shall not be permitted to take the knowledge portion more  
2087 than once in 15 days.

2088 A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a  
2089 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 card 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.

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

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

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

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

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first

2151 behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving  
2152 privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions  
2153 ordered by the court.

2154 B. No driver's license shall be issued to any such person who is less than 18 years old unless, while  
2155 holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were  
2156 after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or  
2157 otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall  
2158 contain the following statement:

2159 "It is illegal for anyone to give false information in connection with obtaining a driver's license. This  
2160 certification is considered part of the driver's license application, and anyone who certifies to a false  
2161 statement may be prosecuted. I certify that the statements made and the information submitted by me  
2162 regarding this certification are true and correct."

2163 Such form shall also include the driver's license or Department of Motor Vehicles-issued  
2164 identification card number of the person making the certification.

2165 C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one  
2166 passenger who is less than 21 years old, except when participating in a driver education program  
2167 approved by the Department of Education or a course offered by a driver training school licensed by the  
2168 Department. This passenger limitation, however, shall not apply to the members of the driver's family or  
2169 household as defined in subsection B of § 46.2-334.01.

2170 D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and  
2171 four o'clock a.m.

2172 E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a  
2173 learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any  
2174 cellular telephone or any other wireless telecommunications device, regardless of whether or not such  
2175 device is handheld. No citation for a violation of this subsection shall be issued unless the officer  
2176 issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of  
2177 some other provision of this Code or local ordinance relating to the operation, ownership, or  
2178 maintenance of a motor vehicle or any criminal statute.

2179 F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of  
2180 damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any  
2181 action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor  
2182 vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to  
2183 any such civil action.

2184 G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia  
2185 residence and, in the case of persons of school age, compliance with the compulsory school attendance  
2186 law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits  
2187 issued under this section.

2188 H. For persons qualifying for a driver's license through driver education courses approved by the  
2189 Department of Education or courses offered by driver training schools licensed by the Department, the  
2190 application for the learner's permit shall be used as the application for the driver's license.

2191 I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit  
2192 issued under this section. Fees for issuance of learner's permits shall be paid into the driver education  
2193 fund of the state treasury; fees for issuance of motorcycle learner's permits, *other than permits issued*  
2194 *under § 46.2-328.3*, shall be paid into the state treasury and credited to the Motorcycle Rider Safety  
2195 Training Program Fund created pursuant to § 46.2-1191. It ~~shall be~~ *is* unlawful for any person, after  
2196 having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed  
2197 driver as provided in the foregoing provisions of this section; however, a learner's permit other than a  
2198 motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years  
2199 and three months old and has successfully completed an approved driver's education course, signed by  
2200 the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a  
2201 temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age  
2202 or older, if all other requirements of this chapter have been met. Such temporary driver's license shall  
2203 only be valid until the driver has received his permanent license pursuant to § 46.2-336.

2204 J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a  
2205 person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's  
2206 License Act (§ 46.2-341.1 et seq.).

2207 K. The following limitations shall apply to operation of motorcycles by all persons holding  
2208 motorcycle learner's permits:

2209 1. The operator shall wear an approved safety helmet as provided in § 46.2-910.

2210 2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle  
2211 who is 21 years of age or older.

2212 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:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by the commissioner of accounts making a settlement of accounts filed in such estate;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so

classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.

5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town from disclosing information to nongovernmental entities with which the locality has entered into a contract to provide services that assist it in the administration of refund processing or other non-audit services related to its administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town shall not disclose information to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality and nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such obligations.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of finance, or other similar collector of county, city, or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of income, filing status, number and type of dependents, and Forms W-2 and 1099 to facilitate the administration of public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55.1-2500; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the

Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; and (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401; and (xxii) provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit under § 46.2-328.3 reported income and deductions from Virginia sources, as defined in § 58.1-302, on an individual income tax return filed with the Commonwealth within the preceding 12 months. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

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

2397 prescribed herein as though he were a tax official.

2398 Notwithstanding the provisions of subsection A or B or any other provisions of this title, the  
2399 treasurer or other collector of taxes for a county, city or town is authorized to provide information  
2400 relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course  
2401 of performing his duties to the commissioner of the revenue or other assessing official for such  
2402 jurisdiction for use by such commissioner or other official in performing assessments.

2403 This section shall not be construed to prohibit a local tax official from imprinting or displaying on a  
2404 motor vehicle local license decal the year, make, and model and any other legal identification  
2405 information about the particular motor vehicle for which that local license decal is assigned.

2406 E. Notwithstanding any other provisions of law, state agencies and any other administrative or  
2407 regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon  
2408 written request, the name, address, and social security number of a taxpayer, necessary for the  
2409 performance of the Commissioner's official duties regarding the administration and enforcement of laws  
2410 within the jurisdiction of the Department of Taxation. The receipt of information by the Tax  
2411 Commissioner or his agent which may be deemed taxpayer information shall not relieve the  
2412 Commissioner of the obligations under this section.

2413 F. Additionally, it ~~shall be~~ *is* unlawful for any person to disseminate, publish, or cause to be  
2414 published any confidential tax document which he knows or has reason to know is a confidential tax  
2415 document. A confidential tax document is any correspondence, document, or tax return that is prohibited  
2416 from being divulged by subsection A, B, C, or D and includes any document containing information on  
2417 the transactions, property, income, or business of any person, firm, or corporation that is required to be  
2418 filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax  
2419 document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any  
2420 person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

2421 **§ 59.1-442. Sale of purchaser information; notice required.**

2422 A. No merchant, without giving notice to the purchaser, shall sell to any third person information  
2423 ~~which that~~ concerns the purchaser and ~~which that~~ is gathered in connection with the sale, rental, or  
2424 exchange of tangible personal property to the purchaser at the merchant's place of business. Notice  
2425 required by this section may be by the posting of a sign or any other reasonable method. If requested by  
2426 a purchaser not to sell such information, the merchant shall not do so. No merchant shall sell any  
2427 information gathered solely as the result of any customer payment by personal check, credit card, or  
2428 where the merchant records the *number of the customer's driver's license number or other document*  
2429 *issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction.*  
2430 This subsection shall not be construed as authorizing a merchant to sell to a third person any  
2431 information concerning a purchaser if the sale or dissemination of the information is prohibited pursuant  
2432 to § 59.1-443.3.

2433 B. For the purposes of this section and § 59.1-443.3, "merchant" means any person or entity engaged  
2434 in the sale of goods from a fixed retail location in Virginia.

2435 **§ 59.1-443.3. Scanning information from driver's license, driver privilege card, or identification**  
2436 **card; retention, sale, or dissemination of information.**

2437 A. No merchant may scan the machine-readable zone of a *driver's license or other document issued*  
2438 *by the Department of Motor Vehicles-issued identification card or driver's license under Chapter 3*  
2439 *(§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction,* except for the following  
2440 purposes:

2441 1. To verify authenticity of the ~~identification card or~~ *driver's license or other document* or to verify  
2442 the identity of the individual if the individual pays for goods or services with a method other than cash,  
2443 returns an item, or requests a refund or an exchange;

2444 2. To verify the individual's age when providing age-restricted goods or services to the individual if  
2445 there is a reasonable doubt of the individual having reached 18 years of age or older;

2446 3. To prevent fraud or other criminal activity if the individual returns an item or requests a refund or  
2447 an exchange and the merchant uses a fraud prevention service company or system. Information collected  
2448 by scanning an individual's ~~identification card or~~ *driver's license or other document* pursuant to this  
2449 subdivision shall be limited to the individual's name, address, *and* date of birth; *and the number of the*  
2450 *driver's license number or identification card number other document;*

2451 4. To comply with a requirement imposed on the merchant by ~~state~~ *the laws of the Commonwealth*  
2452 *or federal law;*

2453 5. To provide to a check services company regulated by the federal Fair Credit Reporting Act, (15  
2454 U.S.C. § 1681 et seq.), that receives information obtained from an individual's ~~identification card or~~  
2455 *driver's license or other document* to administer or enforce a transaction or to prevent fraud or other  
2456 criminal activity; or

2457 6. To complete a transaction permitted under the *federal* Gramm-Leach-Bliley Act, (15 U.S.C. § 6801  
2458 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

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2520 shall be required for the parents' dependent children if available at reasonable cost as defined in  
2521 § 63.2-1900, or pursuant to subsection A of § 63.2-1903. If a child is enrolled in Department-sponsored  
2522 health care coverage, the Department shall collect the cost of the coverage pursuant to subsection E of  
2523 § 20-108.2;

2524 9. A statement of each party's right to appeal and the procedures applicable to appeals from the  
2525 decision of the Commissioner;

2526 10. A statement that the obligor's income shall be immediately withheld to comply with this order  
2527 unless the obligee, or the Department, if the obligee is receiving public assistance, and obligor agree to  
2528 an alternative arrangement;

2529 11. A statement that any determination of a support obligation under this section creates a judgment  
2530 by operation of law and as such is entitled to full faith and credit in any other state or jurisdiction;

2531 12. A statement that each party shall give the Department written notice of any change in his  
2532 address, including email address, or phone number, including cell phone number, within 30 days;

2533 13. A statement that each party shall keep the Department informed of the name, telephone number  
2534 and address of his current employer;

2535 14. A statement that if any arrearages for child support, including interest or fees, exist at the time  
2536 the youngest child included in the order emancipates, payments shall continue in the total amount due  
2537 (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages  
2538 are paid;

2539 15. A statement that a petition may be filed for suspension of any license, certificate, registration, or  
2540 other authorization to engage in a profession, trade, business, occupation, or recreational activity issued  
2541 by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90  
2542 days or more or in amount of \$5,000 or more. The order shall indicate whether either or both parents  
2543 currently hold such an authorization and, if so, the type of authorization held;

2544 16. A statement that the Department of Motor Vehicles may suspend or refuse to renew the ~~driver's~~  
2545 ~~license~~ *driving privileges* of any person upon receipt of notice from the Department of Social Services  
2546 that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000  
2547 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child  
2548 support proceedings; and

2549 17. A statement that on and after July 1, 1994, the Department of Social Services, as provided in  
2550 § 63.2-1921 and in accordance with § 20-108.2, may initiate a review of the amount of support ordered  
2551 by any court.

2552 If no answer is received by the Commissioner within 10 days of the date of service or acceptance,  
2553 the administrative support order shall be effective as provided in the notice. The Commissioner may  
2554 initiate collection procedures pursuant to this chapter, Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 or  
2555 Title 20. The debtor and the obligee have 10 days from the date of receipt of the notice to file an  
2556 answer with the Commissioner to exercise the right to an administrative hearing.

2557 Any changes in the amount of the administrative order must be made pursuant to this section. In no  
2558 event shall an administrative hearing alter or amend the amount or terms of any court order for support  
2559 or decree of divorce ordering support. No administrative support order may be retroactively modified,  
2560 but may be modified from the date that notice of the review has been served on the nonrequesting party.  
2561 Notice of each review shall be served on the nonrequesting party (1) in accordance with the provisions  
2562 of § 8.01-296, 8.01-327, or 8.01-329, (2) by certified mail, return receipt requested, (3) by electronic  
2563 means, or (4) by the nonrequesting party executing a waiver. The existence of an administrative order  
2564 shall not preclude either an obligor or obligee from commencing appropriate proceedings in a juvenile  
2565 and domestic relations district court or a circuit court.

2566 **§ 63.2-1941. Additional enforcement remedies.**

2567 In addition to its other enforcement remedies, the Division of Child Support Enforcement is  
2568 authorized to:

2569 1. Attach unemployment benefits through the Virginia Employment Commission pursuant to  
2570 § 60.2-608 and workers' compensation benefits through the Workers' Compensation Commission  
2571 pursuant to § 65.2-531; and

2572 2. Suspend an individual's ~~driver's license~~ *driving privileges* pursuant to § 46.2-320.1.

2573 **2. That the provisions of this act shall become effective on January 1, 2021.**

2574 **3. That no later than December 1, 2021, the Commissioner of the Department of Motor Vehicles**  
2575 **shall report to the Chairmen of the House and Senate Committees on Transportation regarding**  
2576 **the Commissioner's progress in implementing the provisions of this act.**

2577 **4. That the provisions of this act may result in a net increase in periods of imprisonment or**  
2578 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
2579 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
2580 **correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia**  
2581 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to**

2582 § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be  
2583 determined for periods of commitment to the custody of the Department of Juvenile Justice.

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