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HOUSE BILL NO. 2112

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on January 31, 1997)

(Patron Prior to Substitute—Delegate Rollison)

A BILL to amend and reenact §§ 46.2-100, 46.2-307, 46.2-330, 46.2-342, 46.2-343, 46.2-345, 46.2-389, 46.2-390.1, 46.2-434, 46.2-688, 46.2-692, and 46.2-697.1, of the Code of Virginia and to repeal § 46.2-717 of the Code of Virginia, relating to the Department of Motor Vehicles.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-307, 46.2-330, 46.2-342, 46.2-343, 46.2-345, 46.2-389, 46.2-390.1, 46.2-434, 46.2-688, 46.2-692, and 46.2-697.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-100. Definitions.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations which transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"Bicycle" means a device propelled solely by human power, having pedals, two or more wheels, and a seat height of more than twenty-five inches from the ground when adjusted to its maximum height. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a bicycle shall be a vehicle while operated on the highway.

"Business district" means the territory contiguous to a highway where seventy-five percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle which has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period used in conjunction with license plates to indicate the registration status of a vehicle, including the period of validity of the license plates.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U. S. Veterans Administration. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: (i) central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye.

"Driver's license" means any license, including a commercial driver's license as defined in the

60 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the
61 Commonwealth authorizing the operation of a motor vehicle.

62 "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of
63 which will tend to conceal the identity of a vehicle.

64 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural
65 implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery
66 and implements including self-propelled mowers designed and used for mowing lawns.

67 "Federal safety requirements" means applicable provisions of the National Traffic and Motor Vehicle
68 Safety Act of 1966 as amended (15 U.S.C. § 1381 et seq.) and all administrative regulations and policies
69 adopted pursuant thereto.

70 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred
71 arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided
72 for in § 46.2-472.

73 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United States,
74 which was not manufactured in accordance with the National Traffic and Motor Vehicle Safety Act as
75 amended (15 U.S.C. § 1381 et seq.) and the policies and regulations adopted pursuant to that Act, and
76 for which a Virginia title or registration is sought.

77 "Foreign vehicle" means every motor vehicle, trailer, or semitrailer which is brought into the
78 Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer
79 and which has not been registered in the Commonwealth.

80 "Golf cart" means a self-propelled vehicle which is designed to transport persons playing golf and
81 their equipment on a golf course.

82 "Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load
83 thereon.

84 "Highway" means the entire width between the boundary lines of every way or place open to the use
85 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,
86 and, for law-enforcement purposes, the entire width between the boundary lines of all private roads or
87 private streets which have been specifically designated "highways" by an ordinance adopted by the
88 governing body of the county, city, or town in which such private roads or streets are located.

89 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral
90 curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one
91 another at, or approximately at, right angles, or the area within which vehicles traveling on different
92 highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways
93 thirty feet or more apart, then every crossing of each roadway of such divided highway by an
94 intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway
95 also includes two roadways thirty feet or more apart, then every crossing of two roadways of such
96 highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing
97 installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian
98 crosswalk.

99 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make
100 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to
101 law-enforcement databases regarding motor vehicle registration and ownership only, this term shall also
102 include city and county commissioners of the revenue and treasurers, together with their duly designated
103 deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752
104 through 46.2-753 and 46.2-754 and local ordinances enacted thereunder.

105 "License plate" means a device containing letters, numerals, or a combination of both, attached to a
106 motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the
107 Department.

108 "Light" means a device for producing illumination or the illumination produced by the device.

109 "Mobile home" means a structure, transportable in one or more sections, which in the traveling mode
110 is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is
111 320 or more square feet, and which is built on a permanent chassis and designed to be used as a
112 dwelling with or without a permanent foundation when connected to the required utilities, and includes
113 the plumbing, heating, air conditioning, and electrical systems contained therein.

114 "Moped" means a bicycle-like device with pedals and a helper motor which is rated at no more than
115 two brake horsepower and which produces speeds up to a maximum of thirty miles per hour. For
116 purposes of Chapter 8 of this title, a moped shall be a vehicle while operated on a highway.

117 "Motor home" means every private motor vehicle with a normal seating capacity of not more than
118 ten persons, including the driver, designed primarily for use as living quarters for human beings.

119 "Motor vehicle" means every vehicle as defined in this section which is self-propelled or designed
120 for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained
121 primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place,

office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title, any device herein defined as a bicycle or a moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle included within the term "farm tractor" or "moped" as defined in this section.

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation which is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding sixty days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident student as defined in this section, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Organizational removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the placard, and shown in white on a green background; (ii) the name of the institution or organization; (iii) an identification number; (iv) an expiration date; and (v) the seal or identifying symbol of the issuing authority.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle designed and used primarily for the transportation of no more than ten persons including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602(k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693(a) (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Permanent removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the placard, and shown in white on a blue background; (ii) the name, age, and sex of the person to whom issued; (iii) an identification number; (iv) an expiration date; and (v) the seal or other identifying symbol of the issuing authority.

"Person with a disability that limits or impairs his ability to walk" means a person who, as determined by a licensed physician: (i) cannot walk 200 feet without stopping to rest; (ii) cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; (iii) is restricted by lung disease to such an extent that his forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters of mercury on room air at rest; (iv) uses portable oxygen; (v) has a cardiac condition to the extent that his functional limitations are classified in severity as Class

183 III or Class IV according to standards set by the American Heart Association; (vi) is severely limited in
184 his ability to walk due to an arthritic, neurological, or orthopedic condition; or (vii) has some other
185 debilitating condition that, in the view of a licensed physician, limits or impairs his ability to walk.

186 "Pickup or panel truck" means every motor vehicle designed for the transportation of property and
187 having a registered gross weight of 7,500 pounds or less.

188 "Private road or driveway" means every way in private ownership and used for vehicular travel by
189 the owner and those having express or implied permission from the owner, but not by other persons.

190 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title
191 materially altered from its original construction by the removal, addition, or substitution of new or used
192 essential parts.

193 "Residence district" means the territory contiguous to a highway, not comprising a business district,
194 where seventy-five percent or more of the property contiguous to such highway, on either side of the
195 highway, for a distance of 300 feet or more along the highway is occupied by dwellings and land
196 improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or
197 buildings in use for business purposes.

198 "Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or
199 restoration except through reapplication after the expiration of the period of revocation.

200 "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular
201 travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical
202 barrier or barriers or an unpaved area.

203 "Safety zone" means the area officially set apart within a roadway for the exclusive use of
204 pedestrians and which is protected or is so marked or indicated by plainly visible signs.

205 "School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial
206 bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private
207 or parochial schools, or used for the transportation of the mentally or physically handicapped to and
208 from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a
209 specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A
210 yellow school bus may have a white roof provided such vehicle is painted in accordance with
211 regulations promulgated by the Department of Education.

212 "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a
213 motor vehicle that some part of its own weight and that of its own load rests on or is carried by another
214 vehicle.

215 "Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic
216 and the lateral curbline or ditch.

217 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or
218 runners, and supported in whole or in part by one or more skis, belts, or cleats.

219 "Specially constructed vehicle" means any vehicle which was not originally constructed under a
220 distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a
221 reconstructed vehicle as herein defined.

222 "Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter
223 configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and
224 below the rearmost axle of the power unit.

225 "Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

226 "Suspend" or "suspension" means that the document or privilege suspended has been temporarily
227 withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the
228 end of the period of suspension.

229 "Temporary removable windshield placard" means a two-sided, hooked placard which includes on
230 each side: (i) the international symbol of access at least three inches in height, centered on the placard,
231 and shown in white on a red background; (ii) the name, age, and sex of the person to whom issued; (iii)
232 an identification number; (iv) an expiration date; and (v) the seal or other identifying symbol of the
233 issuing authority.

234 "Towing and recovery operator" means a person engaged in the business of (i) removing disabled
235 vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii)
236 restoring to the highway or other location where they either can be operated or removed to other
237 locations for repair or safekeeping vehicles which have come to rest in places where they cannot be
238 operated.

239 "Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles
240 and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached
241 thereto.

242 "Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a
243 felony nor a misdemeanor.

244 "Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the

forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including mobile homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer which is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 of this title, bicycles and mopeds shall be vehicles while operated on a highway.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. The term includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-307. Nonresidents licensed under laws of home state or country; extension of reciprocal privileges.

A. A nonresident over the age of sixteen years who has been duly licensed as a driver under a law requiring the licensing of drivers in his home state or country and who has in his immediate possession a driver's license issued to him in his home state or country shall be permitted, without a Virginia license, to drive a motor vehicle on the highways of the Commonwealth.

B. *Notwithstanding any other provisions of this chapter, the Commissioner, with the consent of the Governor, may extend to nonresidents from foreign countries the same driver's licensing privileges which are granted by the foreign country, or political subdivision wherein such nonresidents are residents, to residents of this Commonwealth residing in such foreign country or political subdivision.*

C. *Driver's license privileges may be extended to nonresidents from foreign countries or political subdivisions who are over the age of sixteen years, have been duly licensed as drivers under a law requiring the licensing of drivers in their home country or political subdivision, and have in their immediate possession a driver's license issued to them in their home country or political subdivision.*

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

A. Every driver's license shall expire on the last day of the month of birth of the applicant in years in which the applicant attains an age equally divisible by five. At no time shall any driver's license be issued for less than three nor more than seven years. Thereafter the driver's license shall be renewed in the birthday month of the licensee and shall be valid for five years, expiring in the next year in which the licensee's age is 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 mail 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.

Any driver's license may be renewed by application, which shall include the applicant's certification of Virginia residency, 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 visual 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.

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, 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, the Commissioner may *waive the visual examination for any applicant for renewal of a driver's license which is not a commercial driver's license, and the requirement or the taking of the written test as provided in subsection B of this section, § 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), for any applicant for renewal if the applicant's driver's license record on file at the Department contains, for the five years prior to the expiration date of the license being renewed, a record of no*

306 more than one conviction for any offense reportable under §§ 46.2-382, 46.2-382.1, and 46.2-383.
307 However, in no case shall there be any waiver of the visual examination ~~required in this chapter for~~
308 ~~applicants for renewal of a commercial driver's license~~ or of the knowledge test required by the
309 Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial
310 driver's license.

311 D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent
312 on any examination of the applicant, shall appear in person before the Department to apply for renewal,
313 unless specifically ~~exempted from this requirement by regulations promulgated by the Commissioner.~~
314 ~~These regulations shall exempt only those persons, such as armed services personnel and out-of-state~~
315 ~~students, whose prolonged absence from the Commonwealth makes their personal appearance a~~
316 ~~hardship notified by the Department that renewal may be accomplished in another manner as provided in~~
317 ~~the notice.~~

318 E. This section shall not modify the provisions of § 46.2-331.

319 § 46.2-342. What license to contain; Uniform Donor Document.

320 A. Every license issued under this chapter shall bear:

321 1. For new, renewal, or replacement licenses issued on or after September 1, 1995, either (i) a
322 license number which shall be the same as the licensee's social security number, or (ii) a control number
323 which shall be assigned by the Department to the licensee if he either (i) has no social security number
324 or (ii) requests in writing on a form prescribed by the Commissioner that his social security number not
325 be shown on the license;

326 2. A ~~dated~~ color photograph of the licensee;

327 3. The licensee's name, year, month, and date of birth;

328 4. The licensee's address;

329 5. A brief description of the licensee for the purpose of identification;

330 6. A space for the signature of the licensee; and

331 7. Any other information deemed necessary by the Commissioner for the administration of this title.

332 No abbreviated names or nicknames shall be shown on any license.

333 A1. At the option of the licensee, the address shown on the license may be either the post office
334 box, business, or residence address of the licensee. However, regardless of which address is shown on
335 the license, the licensee shall supply the Department with his residence address. This residence address
336 shall be maintained in the Department's records. Whenever the licensee's address shown either on his
337 license or in the Department's records changes, he shall notify the Department ~~in writing~~ of such change
338 as required by § 46.2-324.

339 B. The license shall be cardboard or other suitable material or combination thereof and in a form to
340 be determined by the Commissioner.

341 C. Photographs, for licensees under twenty-one years of age at the time of issuance of the license,
342 shall be profile photographs; but photographs for licensees twenty-one years of age or older at the time
343 of issuance of the license shall be front face view photographs. Notwithstanding the preceding provisions
344 of this subsection, the first and subsequent photographs for persons under twenty-one years of age shall
345 be profile photographs until the original issued license has expired.

346 D. The Department shall establish a method by which an applicant for a driver's license or an
347 identification card may designate his willingness to be an organ donor as provided in Article 2
348 (§ 32.1-289 et seq.) of Chapter 8 of Title 32.1 and shall cooperate with the Virginia Transplant Council
349 to ensure that such method is designed to encourage organ donation with a minimum of effort on the
350 part of the donor and the Department.

351 E. If an applicant designates his willingness to be a donor pursuant to subsection D, the Department
352 may make a notation of this designation on his license or card and shall make a notation of this
353 designation in his driver record.

354 F. The donor designation authorized in subsection E shall be sufficient legal authority for the
355 removal, following death, of the subject's organs or tissues without additional authority from the donor,
356 or his family or estate.

357 G. The donor designation provided pursuant to subsection D may only be rescinded by appearing in
358 person at a Department branch office. The Department shall notify the prospective donor of this
359 requirement at the time he authorizes donor designation.

360 H. With the written consent of his parent or legal guardian, a minor may make a donor designation.

361 I. When requested by the applicant, and upon presentation of a signed statement by a licensed
362 physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's
363 license that the applicant is an insulin-dependent diabetic.

364 J. In the absence of gross negligence or willful misconduct, the Department and its employees shall
365 be immune from any civil or criminal liability in connection with the making of or failure to make a
366 notation of donor designation on any license or card or in any person's driver record.

367 K. Notwithstanding the foregoing provisions of this section, the Department shall continue to use the

uniform donor document, as formerly set forth in subsection D above, for organ donation designation until such time as a new method is fully implemented, which shall be no later than July 1, 1994. Any such uniform donor document, shall, when properly executed, remain valid and shall continue to be subject to all conditions for execution, delivery, amendment, and revocation as set out in Article 2 (§ 32.1-289 et seq.) of Chapter 8 of Title 32.1.

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

If a driver's license, *or* learner's permit, ~~or special identification card~~, 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, ~~or card~~ has been lost, stolen, or destroyed, or that there are good reasons why a duplicate should be issued.

There shall be a fee of five dollars for each duplicate license, *and* two dollars for each duplicate learner's permit; ~~and three dollars for each duplicate special identification card~~.

There shall be a fee of five dollars for reissuance of any driver's license upon the termination of driving restrictions imposed upon the licensee by the Department or a court.

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

A. On the application of any person who is a resident of the Commonwealth ~~and who does not possess a license to drive a motor vehicle~~ *or the parent or legal guardian of any such person who is under the age of fifteen*, the Department shall issue a special identification card to the person provided:

1. Application is made on a form prescribed by the Department;
2. The applicant presents a birth certificate or other evidence acceptable to the Department of his name and date of birth; and

3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card.

B. The fee for the issuance of a special identification card is five dollars.

C. A special identification card shall expire five years from its date of issuance ~~and the renewal fee shall be five dollars~~ *except that those cards issued to children under the age of fifteen shall expire on the child's fifteenth birthday or five years from the date of issuance, whichever occurs first*.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a color photograph of its holder, but the card shall be readily distinguishable from a driver's license ~~by difference in color or otherwise~~ and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle.

E. The photograph on a special identification card, for persons *age fifteen and older and* under twenty-one years of age, shall be a profile photograph. Photographs, for persons twenty-one years of age and older, shall be full face view photographs. Notwithstanding the preceding provision of this subsection, the first and subsequent photographs for persons *age fifteen and older and* under twenty-one years of age shall be profile photographs until the original special identification card has expired.

F. *Special identification cards for persons under age fifteen shall bear a full face photograph. The special identification card issued to persons under age fifteen shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.*

G. Any ~~personal~~ information ~~obtained~~, *as identified in § 2.1-379*, which is retained by the Department from an application for the issuance, ~~renewal, or replacement~~ of a special identification card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

~~G.H.~~ Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification card, ~~or any renewal~~, or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

H.I. The Department may promulgate regulations necessary for the effective implementation of the provisions of this section.

I.J. The Department shall utilize the various communications media throughout the Commonwealth to inform Virginia residents of the provisions of this section and to promote and encourage the public to take advantage of its provisions.

§ 46.2-389. Required revocation for one year upon conviction or finding of guilty of certain offenses; exceptions.

429 The Commissioner shall forthwith revoke, and not thereafter reissue for one year, except as provided
430 in § 18.2-271 or § 18.2-271.1, the driver's license of any resident or nonresident on receiving a record of
431 his conviction or a record of his having been found guilty in the case of a juvenile of any of the
432 following crimes, committed in violation of a state law or a valid county, city, or town ordinance or law
433 of the United States, *or a law of any other state*, substantially paralleling and substantially conforming
434 to a like state law and to all changes and amendments of it:

- 435 1. Voluntary or involuntary manslaughter resulting from the driving of a motor vehicle;
- 436 2. Violation of § 18.2-266, § 18.2-272, *or* subsection A of § 46.2-341.24 or violation of a valid local
437 ordinance paralleling and substantially conforming to § 18.2-266 or § 18.2-272;
- 438 3. Perjury or the making of a false affidavit to the Department under this chapter or any other law of
439 the Commonwealth requiring the registration of motor vehicles or regulating their operation on the
440 highways;
- 441 4. The making of a false statement to the Department on any application for a driver's license;
- 442 5. Any crime punishable as a felony under the motor vehicle laws of the Commonwealth or any
443 other felony in the commission of which a motor vehicle is used; or
- 444 6. Failure to stop and disclose his identity at the scene of the accident, on the part of a driver of a
445 motor vehicle involved in an accident resulting in the death of or injury to another person.

446 § 46.2-390.1. Required revocation for conviction of drug offenses or deferral of proceedings.

447 A. Except as otherwise ordered pursuant to § 18.2-259.1, the Commissioner shall forthwith revoke,
448 and not thereafter reissue for six months from the later of (i) the date of conviction or deferral of
449 proceedings under § 18.2-251 or (ii) the next date of eligibility to be licensed, the driver's license,
450 registration card, and license plates of any resident or nonresident on receiving notification of (i) his
451 conviction, (ii) his having been found guilty in the case of a juvenile or (iii) the deferral of further
452 proceedings against him under § 18.2-251 for any violation of any provisions of Article 1 (§ 18.2-247 et
453 seq.) of Chapter 7 of Title 18.2, or of any state or federal law or valid county, city or town ordinance,
454 *or a law of any other state* substantially similar to provisions of such Virginia laws. Such license
455 revocation shall be in addition to and shall run consecutively with any other license suspension,
456 revocation or forfeiture in effect against such person.

457 B. Any person whose license has been revoked pursuant to this section and § 18.2-259.1 shall be
458 subject to the provisions of §§ 46.2-370 and 46.2-414 and shall be required to show proof of financial
459 responsibility and pay a reinstatement fee as provided in §§ 46.2-411 *and 46.2-412* in order to have his
460 license restored.

461 § 46.2-434. Conviction of or judgment against resident in another jurisdiction.

462 The Commissioner shall suspend or revoke the license and registration certificate and plates of any
463 resident of the Commonwealth upon receiving notice of his conviction, in a court of competent
464 jurisdiction of the Commonwealth, any other state of the United States, the United States, Canada or its
465 provinces or any territorial subdivision of such state or country, of an offense therein which, if
466 committed in the Commonwealth, would be grounds for the suspension or revocation of the license
467 granted to him or registration of any motor vehicle registered in his name. No suspension or revocation
468 under this subsection shall continue for a longer period *than it would have, had the offense been*
469 *committed* in the Commonwealth ~~than in the jurisdiction in which the offense occurred~~, provided the
470 person gives proof of his financial responsibility in the future for the period provided in § 46.2-412.

471 The Commissioner shall take like action upon receipt of notice that a resident of the Commonwealth
472 has failed, for a period of thirty days, to satisfy any final judgment in amount and upon a cause of
473 action as stated herein, rendered against him in a court of competent jurisdiction of any other state of
474 the United States, the United States, Canada or its provinces, or any territorial subdivision of such state
475 or country.

476 § 46.2-688. Refund of fees paid.

477 A. Any person holding a registration card and license plate or license plates with decal who disposes
478 of, elects not to use the vehicle for which it was issued on the highways in the Commonwealth, or
479 transfers another valid license plate to the vehicle, *decal*s may surrender, prior to the beginning of the
480 registration period, the license ~~plates~~plate or license plates with decals and registration card to the
481 Department or provide other evidence of registration of the vehicle to the Commissioner with a
482 statement ~~that~~*and apply for a refund if* the vehicle for which the license plate or license plate with decal
483 was issued has been disposed of, election has been made not to use the vehicle on the highways in the
484 Commonwealth, or another valid license plate has been transferred to the vehicle and request a refund of
485 the fee paid. The Commissioner shall retain five dollars of the fee to cover the costs incurred in issuing
486 the plates and processing the refund.:

- 487 1. *Has been disposed of;*
- 488 2. *Will not be operated on the highways of the Commonwealth; or*
- 489 3. *Bears another valid license plate.*

490 B. *Except for fees collected for (i) emergency medical service purposes, (ii) the official motor vehicle*

safety inspection program, and (iii) license plates with reserved numbers and letters pursuant to § 46.2-726, the annual registration fee and the annual fees associated with the issuance of special license plates pursuant to Article 10 (§ 46.2-725 et seq.) of Chapter 6 of this title, shall be the basis for any refund.

The Commissioner shall refund to the applicant a proration, in ~~six-month increments~~ in monthly increments, of the ~~total cost of the~~ annual registration and annual special license plates or license plates with decals plate fees, as set forth in this subsection, paid by the applicant for the current registration period if application for the refund is made when there are ~~six or~~ more than three months remaining in the registration period. ~~No charge or deduction shall be assessed for any refund made under this subsection.~~

§ 46.2-692. Fee for replacement of lost, mutilated, or illegible indicia of titling and registration.

The fee for the replacement of license plates, decals, registration cards, or certificates of title which are lost, mutilated or illegible shall be as follows:

1. For a registration card, no charge;

2. For a certificate of title, five dollars;

3. For license plates or license plates with decals, ten dollars; and

4. For a license plate with decals issued for trailers pursuant to § 46.2-699, five dollars; and

45. For one or two decals, one dollar.

§ 46.2-697.1. Reduction in vehicle registration fees.

~~The~~ To encourage owners (i) to register their vehicles for multi-year periods or (ii) to use the mail or electronic technologies when registering their vehicles, the Commissioner may authorize a discount or other incentives for multi-year, basic mail-in registration renewals or electronic registrations of motor vehicles, trailers, or semitrailers required to be registered under this chapter.

2. That § 46.2-717 of the Code of Virginia is repealed.