

2009 SESSION

BILL NO. _____

Offered April 2, 2009

A BILL to amend and reenact § 46.2-330 of the Code of Virginia, related to the licensure of drivers.

Patron—Trinity Episcopal School

Referred to Committee on _____

Be it enacted by the YMCA Model General Assembly:

1. That § 46.2-330 of the Code of Virginia is amended and reenacted as follows:

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

A. Every driver's license shall expire on the applicant's birthday 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 on or before the birthday 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 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.

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, if the applicant is less than 80 years old, the Commissioner may waive the vision 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 who is at least

41 21 years old if the applicant's driver's license record on file at the Department contains,
42 for the five years prior to the expiration date of the license being renewed, a record of no
43 more than one conviction for any offense reportable under §§ 46.2-382, 46.2-382.1, and
44 46.2-383. Such written test shall not be waived for an applicant less than 21 years old if
45 he has one or more such convictions. However, in no case shall there be any waiver of
46 the vision examination for applicants for renewal of a commercial driver's license or of
47 the knowledge test required by the Virginia Commercial Driver's License Act for the
48 hazardous materials endorsement on a commercial driver's license. No driver's license or
49 learner's permit issued to any person who is ~~80~~ 75 years old or older shall be renewed
50 unless the applicant for renewal appears in person and ~~either (i) passes a vision~~
51 ~~examination or (ii) presents a report of a vision examination, made within 90 days prior~~
52 ~~thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets~~
53 ~~or exceeds the standards contained in § 46.2-311~~ is fully examined as provided in
54 §§ 46.2-311, 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et
55 seq.).

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

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

61 F. (Effective until January 1, 2009) The Department shall electronically transmit
62 application information to the Department of State Police, in a format approved by the
63 State Police, for comparison with information contained in the Virginia Criminal
64 Information Network and National Crime Information Center Convicted Sexual Offender
65 Registry Files, at the time of the renewal of a driver's license. Whenever it appears from
66 the records of the State Police that a person has failed to comply with the duty to register
67 or reregister pursuant to Chapter 9 §§ 9.1-900 et seq.) of Title 9.1, the State Police shall
68 promptly investigate and, if there is probable cause to believe a violation has occurred,
69 obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1
70 in the jurisdiction in which the person last registered or reregistered or in the jurisdiction
71 where the person made application for licensure.

72 F. (Effective January 1, 2009) 1. The Department shall electronically transmit application
73 information, including a photograph, to the Department of State Police, in a format
74 approved by the State Police, for comparison with information contained in the Virginia
75 Criminal Information Network and National Crime Information Center Convicted Sexual
76 Offender Registry Files, at the time of the renewal of a driver's license. Whenever it
77 appears from the records of the State Police that a person has failed to comply with the
78 duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the
79 State Police shall promptly investigate and, if there is probable cause to believe a
80 violation has occurred, obtain a warrant or assist in obtaining an indictment charging a
81 violation of § 18.2-472.1 in the jurisdiction in which the person last registered or
82 reregistered or in the jurisdiction where the person made application for licensure. The
83 Department of State Police shall electronically transmit to the Department, in a format
84 approved by the Department, for each person required to register pursuant to Chapter 9 of

85 Title 9.1, registry information consisting of the person's name, all aliases that he has used
86 or under which he may have been known, his date of birth and social security number as
87 set out in § [9.1-903](#).

88 2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department
89 may not waive the requirement that each such person shall appear for each renewal or the
90 requirement to obtain a photograph in accordance with subsection C of § [46.2-323](#).

House Patron:

Ellie Miller

Senate Patron:

Elizabeth Holland

