

***Virginia Department of Motor
Vehicles (DMV)***
2020 Legislative Bulletin

External Bulletin
Courts/VASAP/Law Enforcement

All effective dates are July 1, 2020, unless otherwise noted.

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

Customer Service Management Administration Bill

HB 108 and SB 601: Legal Holidays; Election Day. (Lindsey and Lucas) (Chapters 417 and 418)

Amends Va. Code § 2.2-3300.

This bill designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday.

**Contact: Nadine Donofrio, Director, Customer Service Management Administration
804-474-2253
Nadine.Donofrio@dmv.virginia.gov**

Driver Services Administration Bills

HB 34: Refusal of Tests; Restricted License. (Lindsey) (Chapter 341)

Amends Va. Code §§ 18.2-268.3 and 46.2-391.2.

This bill allows a person convicted of a first offense of a refused blood/breath test (refusal) to petition the court for a restricted driver's license (RDL) 30 days after conviction. The court may grant an RDL for the same purposes as allowed for RDLs granted after conviction of driving under the influence if the person installs an ignition interlock system on each motor vehicle owned by or registered to the person and enrolls in an alcohol safety action program. Currently, a person convicted of a refused refusal is not eligible for restricted privileges.

If a person is convicted of a DUI and of a refusal on the same date, the judge may grant an RDL for the DUI on the date of conviction. While the individual will still not be able to drive during the 30 days they remain suspended for the refusal and have not yet been granted a RDL for that charge, they will avoid their license going into a revoked status. Once 30 days have passed, the person may petition the court for an RDL for the refusal and, if granted, would then be eligible to obtain the RDL from DMV.

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

If an RDL is not granted on the date of conviction for the DUI, the person's driving privilege will be revoked and testing will be required.

**Contact: Emily Witt, Program Specialist, Driver Services
Administration
804-249-5069
Emily.Witt@dmv.virginia.gov**

**Contact: Jacquelyn Mines, Office Manager, Driver Services
Administration
804-423-1733
Jacquelyn.Mines@dmv.virginia.gov**

HB 411: Veterans; DMV Shall Offer Information on Services Available to Any Person. (Delaney) (Chapter 698) LEAD

Amends Va. Code by § 46.2-221.5.

The bill requires the Department of Motor Vehicles to offer information on veteran services available in the Commonwealth to any person who identifies himself as a veteran on a document submitted to the Department for the purpose of a driver or vehicle transaction. The bill has a delayed effective date of January 1, 2021.

Driver's license, ID card, and vehicle renewal notices will be updated to provide information about where a veteran may learn more about veteran services. Additionally, the Department of Veteran Services (DVS) will supply brochures that Customer Service Centers may provide to customers upon request.

Online transactions, where customers indicate they are a veteran will be updated to provide additional information from DVS regarding where they may obtain information on veteran services offered in the Commonwealth.

**Contact: Kristle Bevins, Program Specialist, Driver Services
Administration
804-864-6797
Kristle.Bevins@dmv.virginia.gov**

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

**Contact: Greg Escobar, Customer and Veteran Services Program
Manager, Customer Service Management Administration
804-423-4103
Greg.Escobar@dmv.virginia.gov**

HB 909 and SB 513: Driver's License; Suspension for Certain Non-Driving Related Offenses. (Hayes and Edwards) (Chapter 740 and Chapter 741)

Amends Va. Code §§ 18.2-251, 46.2-410.1, 46.2-819.2, and 53.1-127.3, and repeals §§ 18.2-259.1, 46.2-320.2, 46.2-390.1, 46.2-416.1, and 53.1-127.4.

This legislation removes the following existing provisions that allow a person's driving privilege to be suspended/revoked:

- When convicted of or placed on deferred disposition for a non-motor vehicle related drug offense
- For non-payment of certain fees owed to a local correctional facility or regional jail
- For shoplifting motor fuel.

The provisions of this bill are not retroactive. As of July 1, 2020, DMV will no longer issue suspensions/revocations for these offenses but any suspensions/revocations already in effect on a person's record will still need to be satisfied. For revocations associated with a drug conviction/deferral entered by the court prior to July 1 and still in effect, the person may petition the convicting court for restricted driving privileges.

**Contact: Emily Witt, Program Specialist, Driver Services
Administration
804-249-5069
Emily.Witt@dmv.virginia.gov**

HB 972 and SB 2: Marijuana; Definitions, Possession and Consumption, Civil Penalties, Report. (Herring and Ebbin) (Chapters 1285 and 1286)

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

Amends Va. Code §§ 15.2-1627, 16.1-228, 16.1-260, 16.1-273, 18.2-247, 18.2-248.1, 18.2-250.1, 18.2-251, 18.2-251.02, 18.2-252, 18.2-254, , 19.2-392.2, , 54.1-3401, as it is currently effective and as it shall become effective, and 54.1-3446; and adds § 19.2-389.3.

This bill:

- Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$25.
- Changes the Class 1 Misdemeanor penalty requirement to anything greater than 1 ounce. Currently, the Class 1 Misdemeanor penalty is imposed by the court for anything greater than 1/2 an ounce of possession.
- Changes the Class 5 Felony requirement from more than ½ an ounce but not more than 5 pounds to 1 ounce but not more than 5 pounds.

The bill also provides that:

- Marijuana possession violations will be charged using a summons just as the uniform summons for motor vehicle related law violations pursuant to § 46.2-388 and no court costs shall be assessed for such violations. If a violation of this section occurs while an individual is operating a commercial motor vehicle as defined in § 46.2-341.4, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.
- Records relating to the arrest, criminal charge, or conviction of possession of marijuana are not open to public inspection and disclosure, except in certain circumstances.
- Removes the requirement for the court or DMV to suspend a person's driving privilege for possession of marijuana violations. This bill is not retroactive. As of July 1, 2020, no suspensions will be issued for these offenses but any suspensions already on a person's record will still need to be satisfied.

Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 30, 2020. DMV will participate as one of the stakeholders.

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

Contact: Domica Winstead, Deputy Director, Driver Services Administration
804-497-7137
Domica.Winstead@dmv.virginia.gov

HB 1093 and HB 1467: Prisoners; obtaining certain identification documentation upon release. (Hope and Aird) (Chapters 484 and 523)

Amends Va. Code § 53.1-116.1:02, adds § 53.1-31.4.

These bills:

- Require the Department of Corrections and the sheriff, jail superintendent, or the jail administrator of a local correctional facility to provide the assistance necessary for any prisoner who does not already possess a government-issued identification card to apply for an obtain such identification.
 - This requirement will apply for any prisoner who has been confined for a period of 90 days or more.
 - If a prisoner is unable to obtain a government-issued identification, the Department of Corrections will provide a Department of Corrections Offender Identification form.
- Require all costs and fees associated with obtaining such identification documentation be paid by the prisoner unless the prisoner is determined to be indigent.

Current law authorizes local correctional institutions to issue special identification cards prior to the release of any prisoner and requires the prisoner to pay all the costs and fees associated with obtaining such card.

Contact: Sharon Brown, Director, Driver Services Administration
804-367-4371
sharon.brown@dmv.virginia.gov

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

HB 1196 and SB 1: Driver's License; Suspension for Nonpayment of Fines or Costs.

(Stanley and Lopez) (Chapters 964 and 965) LEAD

Amends Va. Code §§ 19.2-258.1, 19.2-354, 19.2-354.1, 33.2-503, 46.2-203.1, 46.2-301, 46.2-361, 46.2-383, 46.2-391.1, 46.2-416, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, 46.2-940, and 46.2-1200.1; adds § 46.2-808.2; repeals § 46.2-395 and Article 18 (§§ 46.2-944.1 through 46.2-947) of Chapter 8 of Title 46.2.

These bills are a follow up to the Governor's 2019 Budget Bill (HB 1700 & SB 1100) eliminating court suspensions for failure to pay fines and costs, effective July 1 2019 and ending on June 30, 2020. HB 1196 and SB 1 codify the Governor's 2019 Budget Bill actions to eliminate fines and costs suspensions and reinstate driving privileges for persons with suspensions solely for nonpayment of court fines and costs.

These bills:

- Repeal the requirement that the court suspend a person's driving privilege if the person is convicted of any violation of the law and fails or refuses to pay the court fines and costs in full or enter into an installment payment agreement with the court.
- Remove a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs.
- Require the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2019, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee.

DMV implemented the changes required in these bills on July 1, 2019. No additional action is required.

Contact: Domica Winstead, Deputy Director, Driver Services Administration

804-497-7137

Domica.Winstead@dmv.virginia.gov

Virginia Department of Motor Vehicles
2020 Legislative Bulletin

HB 1211/SB 34: Issuance of Certain Documents; Citizenship Requirement. (Tran and Surovell) (Chapters 1227 and 1246) LEAD

Amends Va. Code §§ 2.2-3705.7, 2.2-3808.1, 4.1-305, 8.01-313, 8.01-420.8, 8.9A-503, 12.1-19, 16.1-69.40:1, 16.1-228, 17.1-293, 18.2-6, 18.2-268.1, 19.2-258.1, 20-60.3, 20-107.1, 22.1-205, 24.2-410.1, 24.2-411.1, 24.2-416.7, 24.2-643, 32.1-291.2, 33.2-613, 38.2-2212, 46.2-328.1, 46.2-330, 46.2-332, 46.2-333.1, 46.2-335, 46.2-343, 58.1-3, 59.1-442, 59.1-443.3, 63.2-1916, and 63.2-1941; adds § 46.2-328.3.

This bill authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an applicant who is not able to provide proof of legal presence as required in Va. Code § 46.2-328.1.

To qualify for a driver privilege card, applicants must:

- Have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months.
- Not be in violation of the insurance requirements for the registration of a motor vehicle.

Proof of Virginia income/Virginia tax return and meeting the insurance requirement is only required for an original issuance; reissues and renewals of driver privilege cards will not require this additional documentation.

Driver Privilege Cards will be valid for a period of two years and will expire on the applicant's date of birth. Each issuance will cost \$50.00 and they will appear identical to a limited duration, non-REAL ID driver's license or permit.

This bill has a delayed effective date of January 1, 2021.

Contact: Kristle Bevins, Program Specialist, Driver Services Administration
804-864-6797
Kristle.Bevins@dmv.virginia.gov

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

**HB 1427: Passing Stopped School Bus; Vendor, Administrative Fee.
(Krizek) (Chapter 783)**

Amends Va. Code § 46.2-844.

This bill authorizes a private vendor operating a video monitoring system for a school division for the purpose of recording those illegally passing stopped school buses to impose and collect an administrative fee to recover the cost of collecting the civil penalty to be paid by the operator of the vehicle.

**Contact: Sharon Brown, Director, Driver Services Administration
804-367-4371
Sharon.Brown@dmv.virginia.gov**

**Contact: John Saunders, Director, Highway Safety Office
804-367-6641
John.Saunders@dmv.virginia.gov**

**HB 1442: Photo Speed Monitoring Devices; Civil Penalty.
(Jones) (Chapter 1232)**

Amends Va. Code §§ 46.2-208 and 46.2-882, and adds § 46.2-882.1.

This bill:

- Authorizes state and local law-enforcement agencies to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such zone is indicated by conspicuously placed signs displaying the maximum speed limit and that such photo speed monitoring devices are used in the area.
- Provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$100, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted

Virginia Department of Motor Vehicles
2020 Legislative Bulletin

highway work zone or school crossing zone speed limit by the photo speed monitoring device.

- Provides that if the summons for a violation is issued by mail, the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes.
- Provides that the civil penalty will be paid to the locality in which the violation occurred if the summons is issued by a local law-enforcement officer and paid to the Literary Fund if the summons is issued by a law-enforcement officer employed by the Department of State Police.

Contact: Sharon Brown, Director, Driver Services Administration
804-367-4371
Sharon.Brown@dmv.virginia.gov

SB 282: Ignition Interlock; First Offense Driving Under the Influence of Drugs.
(Deeds) (Chapter 530)

Amends Va. Code § 18.2-270.1.

This bill provides that a court may, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a first offense of driving under the influence of drugs. This means that, if the court specifically convicted an offender of driving under the influence of drugs, ignition interlock installation will only be required to obtain a restricted license if the court ordered it. All other requirements will be the same.

Under current law, the court (or DMV, if not ordered by the court) must require ignition interlock equipment installation as a condition of a restricted license, regardless of whether the person is convicted of driving under the influence of alcohol, alcohol and drugs, or only drugs.

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

**Contact: Emily Witt, Program Specialist, Driver Services
Administration
804-249-5069
Emily.Witt@dmv.virginia.gov**

**Contact: Sandra Finney-Fells, Program Manager, Driver Services
Administration
804-249-5062
Sandra.Finney-Fells@dmv.virginia.gov**

**SB 289: Driver's License Designation; Traumatic Brain Injury.
(Deeds) (Chapter 545) LEAD**

Amends Va. Code § 46.2-342.

This bill requires DMV to place a traumatic brain injury designation on the applicant's driver's license upon the request of the applicant and presentation of a form completed by a licensed physician confirming the applicant's condition.

The Driver's License Application (DL 1P) form has been revised to add the option for the applicant to request the traumatic brain injury designation on the driver's license or identification card. In addition, the applicant must submit the new Traumatic Brain Injury Designation Application form (DL145) completed by the applicant's physician.

The designation will be shown on the face of the license or identification card as a "9" printed under the "Restrictions" heading and the descriptor on the back of the card will state "Traumatic Brain Injury".

**Contact: Rebecca Parsio, Healthcare Compliance Officer, Driver
Services Administration
804-367-4380
Rebecca.Parsio@dmv.virginia.gov**

**Contact: Kristle Bevins, Program Specialist, Driver Services
Administration
804-864-6797
Kristle.Bevins@dmv.virginia.gov**

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

SB 290: Commercial Driver's License; Entry-level Driver Training. (Deeds) (Chapter 546) LEAD

Amends Va. Code §§ 46.2-341.12, as it is currently effective and as it may become effects, 46.2-341.14, as it is currently effective and as it may become effective, 46.2-341.14:01, 46.2-1708, as it may become effective, and 46.2-1709, as it may become effective, and the second and third enactments of Chapter 750 of the Acts of Assembly of 2019.

This bill makes the following technical changes relating to Federal Motor Carrier Safety Administration (FMCSA) requirements codified during the 2019 Session of the General Assembly:

- Virginia's compliance with Entry Level Driver Training (ELDT) for commercial drivers was to begin in 2020. However, FMCSA has delayed implementation. As a result, this bill authorizes Virginia to begin requiring ELDT once FMCSA has rolled out the program.
- Similarly, Virginia's participation the FMCSA's Drug and Alcohol Clearinghouse was also to begin in 2020 but FMCSA has delayed this program for state licensing agencies. Therefore, this bill also authorizes Virginia to participate in the Drug and Alcohol Clearinghouse once it is available from FMCSA.

This bill has no impact at this time. Additional information will be provided when these programs are implemented.

Contact: Kristle Bevins, Program Specialist, Driver Services

Administration

804-864-6797

Kristle.Bevins@dmv.virginia.gov

SB 439: Driving Under the Influence; Remote Alcohol Monitoring, Penalty.

(Surovell) (Chapter 1007)

Amends Va. Code §§ 18.2-270.1, 18.2-270.2, 18.2-271.1, and 18.2-272.

This bill results in the following changes:

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

- Adds travel to/from the Virginia Employment Commission as a new purpose for which a restricted license may be issued. The restriction code "Q" will be used and display on the license when a driver is authorized to travel to and from the Virginia Employment Commission.
- Provides that upon conviction of an adult's first offense of DWI with a blood alcohol content (BAC) of less than 0.15, the offender may petition the court for the sole restriction on a restricted driver's license to be the installation of ignition interlock for 12 consecutive months without ignition interlock alcohol violations. Persons convicted of DUI 1st offense with a BAC of 0.15 or higher, DUI 2nd offense, DUI 3rd offense or convicted of three DUI's within a 10-year period are not eligible for this option.
- Provides that if a person is ineligible (as noted above) to receive a license with ignition interlock as the only restriction for a period of 12 months, the court may also require the offender to use an alcohol monitoring device, have ignition interlock equipment installed, refrain from alcohol consumption and participate in the Virginia Alcohol Safety Action Program. This provision does not take effect until July 1, 2021.

**Contact: Emily Witt, Program Specialist, Driver Services
Administration
804-367-4371
Emily.Witt@dmv.virginia.gov**

**Contact: Sandra Finney-Fells, Program Manager, Driver Services
Administration
804-249-5062
Sandra.Finney-Fells@dmv.virginia.gov**

**SB 657: Certificate of Birth; New Certificate Issued to Show Change of Sex.
(Boysko) (Chapter 466)**

Amends Va. Code §§ 32.1-267 and 32.1-269.

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

This bill requires the State Registrar to issue a new certificate of birth to show a change of sex upon request of the person and, if a certified copy of a court order changing the person's name is submitted, to include the person's new name.

The bill also provides that requirements related to obtaining a new certificate of birth to show a change of sex shall include a requirement that the person submit a form furnished by the State Registrar and completed by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for gender transition but shall not include a requirement for evidence or documentation of any medical procedure.

**Contact: Sharon Brown, Director, Driver Services Administration
804-367-4371
Sharon.Brown@dmv.virginia.gov**

SB 711: Driving While License, Permit, or Privilege to Drive Suspended or Revoked; Mandatory Minimum Term. (McClellan) (Chapter 1018)

Amends Va. Code § 46.2-301.

This bill eliminates the mandatory minimum term of confinement in jail of 10 days for a third or subsequent conviction of driving on a suspended license when the person's driving privilege is suspended for a non-DUI related reason.

**Contact: Sharon Brown, Director, Driver Services Administration
804-367-4371
Sharon.Brown@dmv.virginia.gov**

SB 761: Driver's License; DMV to Issue Licenses and Special ID Cards. (Barker) (Chapter 981) LEAD

Amends Va. Code § 46.2-328.1.

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

This bill authorizes the Department of Motor Vehicles to issue a limited duration driver's license, commercial driver's license or special identification card to an applicant with a valid, unexpired Employment Authorization Document (EAD), as of July 1, 2020. The EAD must be verified in SAVE in order to be accepted.

An EAD may be used as proof of identity for REAL ID credentials but customers will need additional documents for proof of legal presence when applying for REAL ID compliant credentials.

Contact: Clara Fleming-Foster, Office Manager, Driver Services Administration
804-367-0687
Clara.Fleming-Foster@dmv.virginia.gov

Contact: Kristle Bevins, Program Specialist, Driver Services Administration
804-864-6797
Kristle.Bevins@dmv.virginia.gov

SB 798: Driving After Forfeiture of License; Guilty of Certain Offenses. (Morrissey) (Chapter 1019)

This bill amends Va. Code § 18.2-272 to specify that a person is guilty of driving while his license is suspended or revoked only if such person was driving or operating the motor vehicle on a highway at the time of the offense:

- After his driver's license has been revoked for certain offenses;
- In violation of the terms of a restricted license;
- Without an ignition interlock system if one is required; or
- If the person's license had been restricted, suspended, or revoked for certain driving under the influence offenses, with a blood alcohol content of 0.02 percent or more.

Virginia Department of Motor Vehicles
2020 Legislative Bulletin

Currently, this law applies to any person operating a motor vehicle under one of the above conditions regardless of where the motor vehicle is operated.

**Contact: Emily Witt, Program Specialist, Driver Services
Administration
804-367-4371
Emily.Witt@dmv.virginia.gov**

**SB 1015: Marijuana; Possession of Cannabidoil or THC-A Oil.
(Marsden) (Chapter 764)**

Amends Va. Code §§ 18.2-250.1 and 54.1-3442.8.

This bill:

- Provides that a person who possesses marijuana in the form of cannabidiol oil or THC-A oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice shall not be prosecuted for simple possession of marijuana.
- Provides that no agent or employee of a pharmaceutical processor shall be prosecuted for possession or manufacture of marijuana or for possession, manufacture, or distribution of cannabidiol oil or THC-A oil, or subject to any civil penalty, denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such agent or employee:
 - Possessed or manufactured such marijuana for the purposes of producing cannabidiol oil or THC-A oil, or
 - Possessed, manufactured, or distributed such cannabidiol oil or THC-A oil in accordance with law.

Current law provides that such possession of marijuana in the form of cannabidiol oil or THC-A oil in such circumstances is an affirmative defense to such charges.

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

Contact: Sharon Brown, Director, Driver Services Administration
804-367-4371
Sharon.Brown@dmv.virginia.gov

SB 101: Driver's License; Scanning Information. **(Marsden) (Chapter 542) LEAD**

Amends Va. Code § 59.1-443.3

This bill allows a merchant to scan the machine-readable zone of an individual's DMV issued identification card or driver's license in order to verify authenticity of the identification card or driver's license, or to verify the identity of the individual when the individual requests a service pursuant to a membership or a service agreement.

Currently, a merchant is allowed to conduct such a scan for identity verification purposes if the individual:

- pays for goods or services with a method other than cash;
- returns an item; or
- requests a refund or an exchange.

Also, the bill allows a merchant to retain information obtained from the machine-readable zone of the identification card or driver's license for such a verification purpose. However, the merchant must destroy the retained information when the purpose for which it was provided and retained has been satisfied.

Contact: Sharon Brown, Director, Driver Services Administration
804-367-4371
Sharon.Brown@dmv.virginia.gov

SB 246: Driver's License, etc.; Sex Designation on Application Form. **(Surovell) (Chapter 544) LEAD**

Amends Va. Code §§ 46.2-323, 46.2-341.12, as it is currently effective and as it may become effective, 46.2-345, and 46.2-345.2.

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

This bill authorizes the Department of Motor Vehicles to offer applicants the option to choose “non-binary” when identifying the applicant’s sex. Applicants will self-certify their sex designation and will not need to provide any supporting documentation. It eliminates the current sex designation change process, since customers will no longer be required to provide supporting documentation. If a person chooses to select non-binary as their sex designation, an “X” will be printed in the “Sex” field on the front of their credential.

Customers with existing credentials will have the ability to update their sex designation and receive a reissued or renewed credential online or in person. In addition, the license and identification card mail-in renewal notices are also being revised to allow customers to make this change when renewing their credential by mail.

Contact: Rebecca Parsio, Healthcare Compliance Officer, Driver Services Administration
804-367-4380
Rebecca.Parsio@dmv.virginia.gov

Contact: Kristle Bevins, Program Specialist, Driver Services Administration
804-864-6797
Kristle.Bevins@dmv.virginia.gov

Highway Safety Office Bills

HB 578: Smoking; illegal in motor vehicle when a minor under the age of 15 is present.
(Guzman) (Chapter 972) LEAD

Amends Va. Code § 46.2-810.1.

This bill expands the group in the presence of whom it is illegal to smoke in a motor vehicle from minors under the age of eight to minors under the age of 15.

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

**Contact: John Saunders, Director, Highway Safety Office
804-367-6641
john.saunders@dmv.virginia.gov**

**HB 874 and SB 160: Handheld Personal Communications Devices;
Holding Devices While Driving a Motor Vehicle.
(Bourne and Surovell) (Chapter 250 and Chapter 543) LEAD**

Amends Va. Code § 46.2-868; adds § 46.2-818.2; and repeals § 46.2-1078.1.

These bills prohibit any person from holding a handheld personal communications device while driving a motor vehicle.

The bills also expand the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services.

Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone.

These bills have a delayed effective date of January 1, 2021

**Contact: John Saunders, Director, Highway Safety Office
804-367-6641
John.Saunders@dmv.virginia.gov**

**HB 885 and SB 63: Reckless Driving; Raises Threshold for Speeding.
(Sickles and Sutterlein) (Chapters 444 and 445)**

Amends Va. Code §§ 46.2-862 and 46.2-878.3.

These bills:

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

- Raise the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour.

The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged.

- Provide that any person who drives a motor vehicle at a speed in excess of 80 miles per hour but below 86 miles per hour on any highway in the Commonwealth having a maximum speed limit of 65 miles per hour shall be subject to an additional fine of \$100.

Contact: John Saunders, Director, Highway Safety Office

804-367-6641

John.Saunders@dmv.virginia.gov

HB 1066: Driver of an Overtaking Vehicle; Driver of an Overtaken Vehicle Shall Move to the Right.

(Adams, D.M.) (Chapter 815)

Amends Va. Code §§ 46.2-842 and 46.2-842.1.

This bill removes the requirement that the driver of an overtaking vehicle use his lights or an audible method to signal to the driver of a slower vehicle to move to the right. The bill does not change the requirement that the slower-moving vehicle move to the right for an overtaking vehicle.

Contact: John Saunders, Director, Highway Safety Office

804-367-6641

John.Saunders@dmv.virginia.gov

HB 1705: Pedestrians; Drivers to Stop When Yielding to Right-of-Way.

(Kory) (Chapter 1031)

Amends Va. Code § 46.2-924.

Virginia Department of Motor Vehicles
2020 Legislative Bulletin

This bill clarifies the duties of vehicle drivers to stop when yielding to pedestrians at:

- Clearly marked crosswalks, whether at midblock or at the end of any block;
- Any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block;
or
- Any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour.

Also prohibits the driver of another vehicle approaching such stopped vehicle from an adjacent lane or from behind from overtaking and passing the stopped vehicle. The bill contains technical amendments.

Contact: John Saunders, Director, Highway Safety Office
804-367-6641
John.Saunders@dmv.virginia.gov

SB 437: Bicyclists and Other Vulnerable Road Users; Penalty.
(Surovell) (Chapter 1259)

Amends Va. Code § 46.2-841, and adds § 46.2-816.1.

This bill:

- Provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user. A vulnerable road user is defined as a pedestrian or a person operating or passenger on:
 - A Bicycle
 - Electric Personal Assistive Mobility Device
 - Electric Wheelchair
 - Electric Bicycle
 - Wheelchair

Virginia Department of Motor Vehicles
2020 Legislative Bulletin

- Skateboard
 - Skates
 - Motorized skateboard or scooter
 - Animal drawn vehicle or attached device or riding an animal
- Provides that this type of violation is a Class 1 misdemeanor
 - Prohibits the driver of a motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle, except in certain circumstances.

Contact: John Saunders, Director, Highway Safety Office
804-367-6641
John.Saunders@dmv.virginia.gov

SB 758: Electronic Personal Delivery Devices; Changes Related to Devices.
(Marsden) (Chapter 1269) LEAD

Amends Va. Code §§ 46.2-100, 46.2-904, 46.2-908.1, 46.2-908.1:1, 46.2-1015, and 46.2-2101.

This bill makes several changes related to electric personal delivery devices, including changing the term used to refer to such devices to "personal delivery devices" and changing the weight limit of such devices from 50 to 500 pounds.

The bill also allows localities to regulate the use of personal delivery devices on sidewalks, crosswalks, or roadways but requires a locality to allow a personal delivery device to operate on the side of a roadway with a speed limit of 25 miles per hour or less if a sidewalk is not available.

Contact: John Saunders, Director, Highway Safety Office
804-367-6641
John.Saunders@dmv.virginia.gov

Contact: Patrick Harrison, Director, Motor Carrier Services
804-249-5115
Patrick.Harrison@dmv.virginia.gov

Virginia Department of Motor Vehicles
2020 Legislative Bulletin

Law Enforcement Services Bills

**HB 663: Ignition Interlock Systems; Venue.
(Mullin) (Chapter 129)**

Amends Va. Code § 18.2-270.1.

This bill provides that the venue for the prosecution of a circumvention of the operation of an ignition interlock system shall be where the offense occurred or the jurisdiction in which the order prohibiting a person from operating a motor vehicle that is not equipped with a functioning ignition interlock system was entered.

Contact: Joseph Hill, Assistant Commissioner, Office of Enforcement and Compliance
804-367-1579
Joseph.Hill@dmv.virginia.gov

**HB 1023: Custodial Interrogations; Audiovisual Recording.
(Adams) (Chapter 1126)**

Amends Va. Code by adding § 19.2-390.04.

This bill:

- Provides that any law-enforcement officer shall, if practicable, make an audiovisual recording of the entirety of any custodial interrogation of a person conducted in a place of detention.
- Provides that if an audiovisual recording is unable to be made, the law-enforcement officer shall make an audio recording of the entirety of the custodial interrogation.
- Provides that the failure of a law-enforcement officer to make such a recording shall not affect the admissibility of the statements made

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

during the custodial interrogation, but the court or jury may consider such failure in determining the weight given to such evidence.

As introduced, the bill was a recommendation of the Virginia Criminal Justice Conference.

Contact: Joseph Hill, Assistant Commissioner, Office of Enforcement and Compliance

804-367-1579

Joseph.Hill@dmv.virginia.gov

Motor Carrier Administration Bills

**HB 465: Transportation companies, certain; local regulation.
(Keam) (Chapter 478)**

Amends Va. Code § 46.2-1315.

This bill:

- Extends from January 1, 2020, to October 1, 2020, the prohibition on offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in any locality that has not enacted any licensing ordinance, regulation, or other action regulating such business.
- Clarifies that localities are authorized to create or amend such ordinances, regulations, or actions even after any such business is operating in the locality and exercise authority otherwise authorized by law.

Contact: Patrick Harrison, Director, Motor Carrier Services

804-249-5115

patrick.harrison@dmv.virginia.gov

**HB 991: Firefighting equipment; weight limitation on interstate.
(Reid) (Chapter 975)**

Virginia Department of Motor Vehicles
2020 Legislative Bulletin

Amends Va. Code § 46.2-1102.

This bill:

- Requires firefighting equipment to comply with existing weight limitations for emergency vehicles on interstate highways. Current law exempts firefighting equipment from all size and weight limitations.
- Exempts emergency vehicles registered to a federal, state, or local agency or a fire company from any fee typically charged for the issuance of an overweight permit for such vehicle.

Contact: Patrick Harrison, Director, Motor Carrier Services
804-249-5115
patrick.harrison@dmv.virginia.gov

SB 328 and HB 1348: Overweight permits; forest products.
(Lucas and Tyler) (Chapters 268 and 409)

Amends Va. Code § 46.2-1148.1.

These bills clarify that the definition of forest products for the purpose of qualifying for an overweight permit for hauling forest products includes wood pellets.

Contact: Patrick Harrison, Director, Motor Carrier Services
804-249-5115
patrick.harrison@dmv.virginia.gov

Vehicles Services Administration Bills

HB 1414 and SB 890: Transportation; Amends Numerous Laws
Related to Funds, Safety Programs, Revenue Sources, etc.
(Filler-Corn and Saslaw) (Chapters 1230 and 1275)

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

Amends Va. Code §§ 2.2-1509.2, 2.2-1514, as it is currently effective and as it may become effective, 5.1-2.2:2, 5.1-2.2:3, 5.1-2.16, 15.2-5928, 33.2-214, 33.2-214.4, 33.2-226, 33.2-232, 33.2-356, 33.2-357, 33.2-358, 33.2-365, 33.2-366, 33.2-1502, 33.2-1510, 33.2-

1524, 33.2-1526 through 33.2-1528, 33.2-1529.1, 33.2-1530, 33.2-1532, 33.2-1602, 33.2-1604, 33.2-1700, 33.2-1701, 33.2-1708, 33.2-1709, 33.2-1803, 33.2-1803.1, 33.2-1803.1:1, 33.2-1803.2, 33.2-1809, 33.2-2300, 33.2-2301, 33.2-2400, 33.2-2401, 33.2-2509, 33.2-3601, 46.2-214.3, 46.2-332, 46.2-341.20:5, 46.2-341.20:6, 46.2-686, 46.2-694, as it is currently effective, 46.2-697, as it is currently effective, 46.2-752, 46.2-1158, 46.2-1158.02, 46.2-1507, 46.2-1546, 46.2-1573, 46.2-1573.11, 46.2-1573.23, 46.2-1573.36, 58.1-608.3, 58.1-638, 58.1-638.3, as it is currently effective, 58.1-802.3, 58.1-811, as it is currently effective, 58.1-815.4, 58.1-816, 58.1-816.1, 58.1-1741, 58.1-1743, 58.1-1744, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2295, as it is currently effective, 58.1-2299.20, as it is currently effective and as it may become effective, 58.1-2425, as it is currently effective and as it may become effective, 58.1-2531, 58.1-2701, as it is currently effective, and 62.1-132.1 of the Code of Virginia and § 2 of Chapter 8 of the Acts of Assembly of 1989, Special Session II, as amended by Chapter 538 of the Acts of Assembly of 1999 and Chapter 296 of the Acts of Assembly of 2013; adds §§ 33.2-287 through 33.2-299.8, 33.2-372, 33.2-373, and 33.2-374, 33.2-1524.1, and 33.2-1526.2 through 33.2-1526.7, §§ 46.2-770 through 46.2-774, 58.1-802.4; repeals §§ 33.2-1601, 33.2-1603, 46.2-702.1, 46.2-702.1:1, 58.1-2217.1, and 58.1-2295.1 of the Code of Virginia and the fifth enactments of Chapters 837 and 846 of the Acts of Assembly of 2019.

These bills amend numerous laws related to transportation funds, revenue sources, construction, and safety programs. As the bills relate to DMV functions, they:

- Adopt numerous structural changes streamlining the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to subfunds established to meet the varying transportation needs of different modes of transportation. Among other things, these changes will simplify collection and distribution of registration fee revenue by eliminating separate billings

Virginia Department of Motor Vehicles
2020 Legislative Bulletin

for Interstate 81 Corridor Improvement Fund (ICIF) and associated fees that were established in last year's transportation funding legislation.

- Convert the existing fuels tax to a cents-per-gallon tax of \$0.212 per gallon for gasoline, gasohol and alternative fuels and \$0.202 per gallon for diesel fuel on July 1, 2020. The rates will increase to \$0.262 per gallon of gasoline, gasohol, and alternative fuel and \$0.27 per gallon of diesel on July 1, 2021. The tax rates for gasoline, gasohol, alternative fuels, and diesel fuel will be tied to the Consumer Price Index thereafter. The rate of the road tax on interstate motor carriers (collected through IFTA) and the amount of the annual road tax fee on intrastate carriers (the VRT fee) will rise in tandem with these increases in the fuels tax.
- Convert the regional fuels tax imposed on distributors who sell fuel at wholesale to retailers to a cents-per-gallon rate of \$0.076 per gallon for gasoline and \$.077 per gallon for diesel, and the tax will be imposed in every region of the Commonwealth.
- Reduce registration fees for most passenger motor vehicles, pickup, and panel trucks weighing 10,000 pounds or less.
- Establish a Highway Use Fee for electric, alternative fuel and fuel-efficient vehicles to be paid at the time of vehicle registration. Alternatively, a person whose vehicles would be subject to this new fee may elect to instead enroll in a mileage-based user fee program to be developed by the Department. Note: The mileage-based program has a delayed implementation date of July 2022. See enactment clauses below for further information.
- Repeals the \$64 electric vehicle license fee and replaces it with the highway use fee.
- Eliminate the \$5 walk-in fee for conducting certain transactions in person at the Department of Motor Vehicles.

Virginia Department of Motor Vehicles
2020 Legislative Bulletin

- Create numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Statewide Special Structures Program, and a Transit Incentive Program.
- Require that any Local Vehicle Registration (LVR) rate not be greater than the base registration fees as of January 1, 2020. This allows any LVR fee in place to remain the same amount even after the reduction in the registration fees.

These bills also contain several enactment clauses including:

- Creating the mileage-based user fee program, which will become effective on July 1, 2022.
- Requiring the DMV to convene a working group to assist in the development of the mileage-based user fee program authorized pursuant to § 46.2-773 of the Code of Virginia.

In developing recommendations, the working group will consider: (i) the protection of all personally identifiable information that may be divulged in the reporting of highway usage; (ii) methods to record and report highway usage; (iii) the administration of the program, including the collection of fees for highway usage; and (iv) other issues identified by the Commissioner. DMV must submit an interim report no later than July 1, 2021, and a final report no later than December 15, 2021, on the findings of the working group.

In addition, DMV must issue guidelines for the mileage-based user fee program no later than May 15, 2022. Such guidelines shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Contact: Samuel Davenport, Deputy Director, Vehicle Services Administration
804-367-0593
Samuel.Davenport@dmv.virginia.gov

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

**Contact: Dalton Lee, Policy Analyst, Vehicle Services Administration
804-367-0910
Dalton.Lee@dmv.virginia.gov**

**Contact: Florence Jett, Director, Motor Carrier Services
804-497-7137
Florence.Jett@dmv.virginia.gov**

**HB 160: License Plates, Special; Bearing the Legend STOP GUN
VIOLENCE, Revenue-sharing Provisions.
(Simon) (Chapter 426) LEAD**

Repeals § 2 of the first enactment and the second and third enactments of Chapter 737 of the Acts of Assembly of 2018, relating to the special license plate bearing the legend STOP GUN VIOLENCE; revenue-sharing provisions.

This bill provides that the special license plate bearing the legend STOP GUN VIOLENCE will remain non-revenue sharing. Current law provides that such special license plate will become revenue sharing on July 1, 2020.

**Contact: Carolyn Wade-Easley, Program Specialist, License Plate
Development
804-367-0368
Carolyn.Easley@dmv.virginia.gov**

**HB 193: Vehicles Used for Agricultural and Farm Purposes; Other
Uses.
(Orrock) (Chapter 781) LEAD**

Amends Va. Code §§ 46.2-665 and 46.2-698.

This bill specifies that:

- Vehicles exempt from vehicle registration and used exclusively for agricultural or horticultural (farm) purposes may be used to transport the vehicle owner or operator between his residence and the land where such agricultural or horticultural activities take place.

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

- A law-enforcement officer may require any person operating a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the lands owned or leased by the vehicle's owner for agricultural or horticultural purposes and the address of the residence address of the vehicle's owner.

Contact: Jessica Monell, Program Specialist, Vehicle Services Administration
804-367-1024
Jessica.Monell@dmv.virginia.gov

HB 211: License Plates, Special; Issuance for Persons Awarded the United States Air Medal, etc. (Hurst) (Chapter 970) LEAD

Amends Va. Code by adding § 46.2-745.3.

This bill creates a special license plate for persons awarded the Air Medal or for unremarried surviving spouses of such persons.

Contact: Carolyn Wade-Easley, Program Specialist, License Plate Development
804-367-0368
Carolyn.Easley@dmv.virginia.gov

HB 445: Light Units; Candlepower to Lumens. (Robinson) (Chapter 393)

Amends §§ 46.2-1004, 46.2-1012, 46.2-1020, and 46.2-2099.50.

The bill states the limits on brightness for certain lights in vehicles in lumens. Current law provides such restrictions in candlepower only.

Contact: Melanie Lester, Acting Director, Vehicle Services Administration
804-497-7105
Melanie.Lester@dmv.virginia.gov

Virginia Department of Motor Vehicles
2020 Legislative Bulletin

HB 543 and SB 871: Electric power-assisted bicycles; amends definition.

(Carr and Marsden) (Chapters 59 and 260) LEAD

Amends Va. Code §§ 46.2-100 and 46.2-908.1 and adds § 46.2-904.1.

These bills:

- Amend the definition of "electric power-assisted bicycle" to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle.
- Provide that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails.
- Require manufacturers and distributors of electric power-assisted bicycles to include:
 - On each electric power-assisted bicycle, a label indicating certain technical specifications.
 - On each class three electric power-assisted bicycle, a miles-per-hour speedometer.
- Require persons operating or riding on a class three electric power-assisted bicycle to wear a helmet.

**Contact: Melanie Lester, Acting Director, Vehicle Services
Administration
804-497-7105
Melanie.Lester@dmv.virginia.gov**

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

**HB 593: License Plates, Special; #TEAMTOMMIE.
(Bourne) (Chapter 116) LEAD**

§ 1 Bill - An Act to authorize the issuance of special license plates for supporters of the Richmond Animal Care and Control Foundation bearing the legend #TEAMTOMMIE; fees.

This bill authorizes the issuance of revenue-sharing special license plates for supporters of the Richmond Animal Care and Control Foundation bearing the legend #TEAMTOMMIE.

**Contact: Carolyn Wade-Easley, Program Specialist, License Plate Development
804-367-0368
Carolyn.Easley@dmv.virginia.gov**

**HB 1126: Abandoned, Unattended, or Immobile Vehicles; Minimum Weight.
(Davis) (Chapter 977) LEAD**

Amends Va. Code §§ 46.2-1200 and 46.2-1209.

The bill limits the current prohibition on and remedies for abandoned, unattended, or immobile vehicles to vehicles that weigh at least 75 pounds.

**Contact: Melanie Lester, Acting Director, Vehicle Services Administration
804-497-7105
Melanie.Lester@dmv.virginia.gov**

**HB 1511: Towing fees; raises to \$30 additional fees that can be charged for towing a vehicle at night, etc.
(McQuinn) (Chapter 31)**

Amends Va. Code §§ 46.2-1233 and 46.2-1233.1.

This bill:

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

- Raises from \$25 to \$30 the additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday.
- Requires localities in Planning District 8 and Planning District 16 to set such additional fees at between \$25 and \$30.

Current law requires such localities to set such additional fee at \$25.

**Contact: Melanie Lester, Acting Director, Vehicle Services
Administration
804-497-7105
melanie.lester@dmv.virginia.gov**

HB 1666: People with Disabilities that can Impair Communication; Vehicle Registration. LEAD (Hayes) (Chapter 786)

Amends Va. Code by adding § 46.2-600.1.

This bill:

- Authorizes an individual with a disability that can impair communication to voluntarily indicate such disability on his application for registration of a motor vehicle.
- Requires the Department of Motor Vehicles to share this indicator with criminal justice agencies. The communication impairment indicator will be shared when a law enforcement officer makes a VCIN inquiry on a person's vehicle registration.

**Contact: Alacia Moore, Program Manager, Vehicle Services
Administration
804-367-0659
Alacia.Moore@dmv.virginia.gov**

SB 87: License Plates, Special; Issuance for Supporters of City of Va. Beach Bearing the Legend VB STRONG. (DeSteph) (Chapter 432) LEAD

Virginia Department of Motor Vehicles

2020 Legislative Bulletin

§ 1 Bill - An Act to authorize the issuance of special license plates for supporters of the City of Virginia Beach bearing the legend VB STRONG.

This bill authorizes the issuance of special license plates for supporters of the City of Virginia Beach bearing the legend VB STRONG. The deadline for the receipt of 450 prepaid applications is November 1, 2020.

Contact: Carolyn Wade-Easley, Program Specialist, License Plate Development
804-367-0368
Carolyn.Easley@dmv.virginia.gov

SB 562: Rebuilt Vehicles; Issuance of Title. (Ruff) (Chapter 867) LEAD

Amends Va. Code § 46.2-1605.

This bill allows a title to be issued for a rebuilt vehicle without an inspection by the Department of Motor Vehicles if:

- The rebuilder has been licensed as an auto recycler, salvage pool, or vehicle removal operator in good standing for at least 10 years,
- The rebuilt vehicle is at least 10 years old but is not an antique motor vehicle, and
- The resale value of the rebuilt vehicle is less than \$10,000.

Contact: Kristen Gilbertson, Vehicle Specialist, Vehicle Services Administration
804-367-6052
Kristen.Gilbertson@dmv.virginia.gov