

Virginia
Department of Motor Vehicles

2013 Legislative Bulletin

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HB 2042 & SB 1218: Department of Motor Vehicles; customer service (Chapters 673 and 789)

Amends Va. Code §§ 46.2-208, 46.2-328, 46.2-337, 46.2-707, and 46.2-752.1 and adds §§ 46.2-212.2, 46.2-646.1, and 46.2-1183.1

Contains components relating to DMV service and safety:

1. Temporary registrations for vehicles required to have emissions inspections:

Codifies the policy of issuing a one-month extension of registration when the vehicle owner fails to present proof that the vehicle has passed its emissions inspection. The extension allows the owner to drive legally for one additional month. To be eligible, the registration must be valid and scheduled to expire in the month requested. A \$10 administrative fee will be charged and prorated registration fees will be collected for the one-month period. The extension may be requested in person at a DMV Customer Service Center or DMV Select location, and only one extension will be granted per registration period.

2. Deactivation of registration and surrender of plates:

There is a delayed implementation of January 1, 2014 for this component. Those who cancel insurance on a motor vehicle are required under § 46.2-707 to surrender their license plates and/or registration. However, many customers—especially motorcyclists and others who own vehicles that are operated only part of the year—would benefit from having a process that allows them to insure a vehicle only for those periods when it was being used, and did not require them to surrender their license plates when the insurance was not in force.

Effective January 1, 2014, vehicle owners will be allowed to deactivate their registration without surrendering license plates. Any vehicle for which registration has been deactivated may not be operated on the highway until the registration has been reactivated. To reactivate the vehicle's registration the owner must either provide proof of insurance or pay the uninsured motor vehicle fee and present evidence that all outstanding tax obligations have been satisfied. A new \$10 administrative fee will be assessed for reactivation, unless the registration has expired or the vehicle is registered under the International Registration Plan (IRP).

3. Motorcycle classifications for military:

Allows active duty service members (and their spouses and dependents) stationed in Virginia to obtain a motorcycle classification on a driver's license

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upon successful completion of a basic motorcycle training course approved by the military. The course must have been completed within one year of application for the Virginia motorcycle classification, and may have been provided by a military installation either inside or outside of Virginia.

To have the motorcycle classification added to their Virginia driver's license, applicants will be asked to present the course completion certificate and their unexpired military ID (Active Duty or Dependent). Below are copies of the fronts and backs of course completion certificates that may be submitted; the card control number from courses offered by the military will begin with "B".



The individual will need to pay the motorcycle classification fee and, if a replacement license is required to add the classification, they will also be responsible for the reissue fee.

Since military facilities only provide instruction on two-wheeled motorcycles, the military course completion certificate is only valid towards the M2 motorcycle classification. If the individual also wishes to operate three-wheeled motorcycles, they will need to complete a Virginia motorcycle rider training course for three-wheeled motorcycles or will need to obtain a motorcycle learner's permit and complete a DMV motorcycle road skills test with the three-wheeled motorcycle; there is no minimum motorcycle learner's permit holding period for riders who have a motorcycle classification for either a two or three-wheeled motorcycle and wish to become licensed to operate the other type of motorcycle.

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4. Vehicle title history:

Clarifies DMV's authority to provide batch data on vehicle titles to the National Motor Vehicle Title Information System (NMVTIS). NMVTIS was created under the federal Anti-Car Theft Act (49 U.S.C. § 30502) to inform and protect consumers and to help deter and prevent title fraud and other crimes. The system is under the oversight of the U.S. Department of Justice, and states' participation is mandatory. This legislation amends § 46.2-208 to clarify the DMV's authority to provide NMVTIS, and entities under contract with NMVTIS, with information required for the system.

5. Veterans ID cards:

Codifies DMV's authority to issue veterans ID cards, in cooperation with the Department of Veterans Services and the Department of Military Affairs.

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HB 2077 & SB 1219: Motor carrier and commercial driver enhancements (Chapters 582 and 165)

Amends Va. Code §§ 19.2-389, 46.2-311, 46.2-324.1, 46.2-341.4, 46.2-341.7, 46.2-341.8, 46.2-341.9, 46.2-341.10, 46.2-341.12, 46.2-341.14, 46.2-341.15, 46.2-341.16, 46.2-341.20, 46.2-348, 46.2-1076, 46.2-2001.1, 46.2-2001.3, 46.2-2005, 46.2-2011.9, 46.2-2011.11, 46.2-2011.23, 46.2-2011.24, 46.2-2099.19, 46.2-2108.4, 46.2-2122, 46.2-2132, 46.2-2133, and 46.2-2176 and adds §§ 46.2-341.14:1 through 46.2-341.14:10, 46.2-341.20:4, and 46.2-341.20:5

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Contains components relating to motor carrier and commercial driver enhancements.

1. License for public convenience and necessity, etc.:

Clarifies DMV's authority to suspend or revoke a motor carrier operating authority license, permit, or certificate for failure to maintain requirements of public convenience and necessity, character, fitness, and financial responsibility.

2. Place of business requirements:

Intrastate passenger motor carriers and brokers of passengers when applying for operating authority are required to certify that their established place of business meets all applicable local zoning ordinances; however, once authority is granted, they are only required to notify DMV of a change in address. They are currently not required to re-certify compliance with established place of business requirements, including compliance with zoning ordinances. The legislation requires intrastate passenger motor carriers and brokers to recertify compliance if the carrier or broker relocates his place of business.

3. Background checks:

Elevates scrutiny of fitness requirements by allowing DMV to conduct criminal background checks for licensed motor carriers rather than simply those making application for a motor carrier certificate or license.

4. Performance bond:

Clarifies that the performance bond required for a carrier's first three years of operations must be presented with the application for commercial operating authority. Household goods carriers and passenger carriers that operate under a certificate of fitness or certificate of public convenience and necessity are subject to a performance bond requirement. Current law requires a \$50,000 bond for household goods carriers and a \$25,000 bond for passenger carriers for the first three years of operation. The clarifying language reflects that the bond is to be submitted with the certificate application and is required to remain in effect for the first three license years.

5. Civil penalties:

Sections 46.2-2011.23 and 46.2-2132 of the *Code of Virginia* establish civil penalties not exceeding \$1,000 for certain acts of a motor carrier of passengers or property. This legislation modifies those sections to specify that each separate violation is subject to the civil penalty.

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6. For-hire motor vehicle marking requirements:

Amends vehicle marking requirements for certain for-hire motor vehicles to recognize that the legal or trade name of the motor carrier maintaining operational control of the vehicle should be displayed on the vehicle rather than the name of the vehicle owner.

7. Brokers:

Explicitly prohibits a broker from employing a motor carrier whose operating authority permit or certificate does not authorize the carrier to provide the proposed service. Requires a broker to obtain and retain a copy of the certificate of public convenience and necessity for carriers they work with holding such certificates.

8. Ban on issuance of license, certificate or permit:

There is a delayed implementation of July 1, 2014 for this component.

Amends §§ 46.2-2001.1 and 46.2-2005 to impose a 12-month ban on issuance of a license, certificate, or permit at the time of application to any motor carrier convicted of or assessed civil penalties for operating without proper authority. The carrier must report any convictions or civil penalties on the application. Such ban will apply for 12 months from the date of the final disposition of the conviction or imposition of civil penalty. The carrier has the right of appeal and a hearing.

9. Disqualification of commercial driver; texting:

This bill creates a new conviction (§ 46.2-341.20:5) for texting while driving a commercial motor vehicle (CMV) and adds it to the list of serious violations that can result in disqualification of a commercial driver. This change is necessary to conform Virginia law to Federal Motor Carrier Safety Administration (FMCSA) regulations.

This new conviction will be assigned three demerit points and display on the driver transcripts as follows:

TEXTING WHILE OPERATING CMV

When a commercial driver's license (CDL) holder's driving record displays:

- Two serious convictions within three years, it will result in a 60-day disqualification.

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- Three serious convictions within three years, it will result in a 120-day disqualification.

10. Commercial driver testing; compliance with federal regulations:

In 2011, the FMCSA issued a Final Rule relating to CDL testing and commercial instruction permit (CIP) standards. Conforms the *Code of Virginia* with the new federal requirements for the testing of commercial drivers.

A. Commercial Instruction Permits – minimum holding period

New commercial drivers who do not complete an approved commercial driver training course must hold a CIP for a minimum of 30 days before taking the road skills test. New commercial drivers who successfully complete an approved course of commercial driver training must hold a CIP for at least 14 days before taking the road skills test.

Holders of a CDL who wish to obtain a higher class of CDL or who wish to add an endorsement that requires a skills test or take a skills test to remove a restriction must obtain a CIP and hold it for a minimum of 14 days before testing to upgrade or to add the endorsement.

B. Commercial driver licensing exams

Prohibits the use of interpreters for any knowledge exam administered as part of the application process for a CDL.

C. Special provisions relating to commercial driver's instruction permit (CIP), §46.2-341.10

Creates a new passenger "P" restriction for all CIPs issued with a School bus (S) and/or Passenger (P) endorsement. This restriction indicates that the driver is prohibited from transporting passengers with the exception of instructors, test examiners, other trainees, state/federal auditors and inspectors, or the CDL holder accompanying the student driver. The restriction will be decoded on the back of the license as "No passengers."

Creates a new "X" restriction for all CIPs issued with a Tank "N" endorsement. This restriction indicates that the driver may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue. The restriction will be decoded on the back of the license as "No cargo permitted in tank vehicle."

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Currently, DMV uses an "X" restriction (or a "Y" for CDLs) to indicate that the license holder is required to wear corrective lenses, but federal regulations require DMV to use the "X" as a restriction on a CIP with a tank endorsement as stated above. Therefore, beginning with licenses issued on or after July 1, 2013, DMV will no longer use the "X" restriction code to indicate the requirement to wear "corrective lenses." For drivers who wear corrective lenses while operating a non-commercial vehicle, the license will be issued with a "C" restriction decoded on the back as "corrective lenses." CDLs will display a "B" restriction instead of a "Y" or "X" restriction if the driver is required to wear corrective lenses when operating a CMV. The "B" will be decoded on the back of the CDL as "corrective lenses while operating a CMV."

Also, if a CDL holder is required to wear corrective lenses while operating non-CMV and CMVs, the CDL will display both the "C" and "B" restriction codes.

Licenses issued prior to July 1, 2013 will continue to display "X" for non-commercial licenses, and "X" or "Y" restrictions for CDLs to indicate that the driver must wear corrective lenses. These restrictions will be decoded on the back of the licenses as "corrective lenses" or "corrective lenses while operating a CMV" respectively. However, if a replacement license is issued after July 1, 2013 for a person required to wear corrective lenses restrictions, the licenses will display the new corrective lenses restriction code(s).

D. Commercial driver's license (CDL) and commercial driver's instruction permit (CIP) document, §46.2-341.15

CIPs issued on and after July 1, 2013, will be issued with a restriction code "9" and will display the following new language decoded on the back, "Not valid unless accompanied by a valid driver's license." Temporary Driving Permits (TDPs) will also display the new language.

E. Vehicle classifications, restriction and endorsements, §46.2-341.16

Adds new "P" and "X" restrictions to CIPs as stated in #10(C) above.

Creates a new "O" restriction for CDLs, which prohibits the operation of a tractor trailer. This restriction will be added when a driver takes the Class A skills test in a vehicle other than a tractor trailer. To have this restriction removed, the driver would need to repeat the skills test in a tractor trailer. The restriction will be decoded on the back of the license as "No tractor trailer."

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HB 2313: Transportation funding bill (Chapter 766)

Amends Va. Code §§ 15.2-4838.1, 33.1-23.03:8, 33.1-23.5:1, 33.1-221.1:1.3, 58.1-300, 58.1-520, as it is currently effective and as it may become effective, 58.1-601, 58.1-602, 58.1-603, 58.1-604, 58.1-604.1, 58.1-605, 58.1-606, 58.1-608.3, 58.1-612, as it is currently effective and as it may become effective, 58.1-614, 58.1-615, 58.1-625, as it is currently effective and as it shall become effective, 58.1-635, 58.1-638, 58.1-639, 58.1-811, 58.1-2201, 58.1-2217, 58.1-2249, 58.1-2251, 58.1-2259, 58.1-2289, as it is currently effective, 58.1-2295, 58.1-2299.20, 58.1-2401, 58.1-2402, 58.1-2425, 58.1-2701, as it is currently effective, 58.1-2706, and Chapter 896 of the Acts of Assembly of 2007; adds §§ 15.2-4838.01, 33.1-23.5:3, 58.1-603.1, 58.1-604.01, 58.1-638.2, 58.1-638.3, 58.1-802.2, and 58.1-2290.1 and adds in Chapter 17 of Title 58.1 an article numbered 10, consisting of § 58.1-1742; and repeals Article 22 (§§ 58.1-540 through 58.1-549) of Chapter 3 of Title 58.1, §§ 58.1-609.13, 58.1-2289 as it may become effective, 58.1-2290, and 58.1-2701, as it may become effective, and the second enactment of Chapter 822 of the Acts of Assembly of 2009, as amended by Chapter 535 of the Acts of Assembly of 2012

Contains numerous provisions relating to transportation revenues and appropriations.

1. Motor vehicle sales and use tax:

Increases the rate of the motor vehicle sales and use tax from 3% to 4% and increases the minimum sales tax from \$35 to \$75.

The motor vehicle sales and use tax will further increase to 4.05% on July 1, 2014, to 4.1% on July 1, 2015, and, finally, to 4.15% on July 1, 2016.

2. Hybrid and electric vehicle fee:

Requires the owners of hybrid or electric vehicles pay a \$64 annual fee in addition to registration fees. This fee is non-refundable and shall be due when the vehicle is first registered in Virginia and upon each subsequent renewal of registration. Previously, the fee was \$50 for electric vehicles only. This fee shall not apply to mopeds.

3. Tax on gasoline, diesel, and other fuels:

Previously, a tax of 17.5 cents per gallon was levied on gasoline, diesel, and other fuels used in highway vehicles. Under this legislation, gasoline will now be taxed at a cents per gallon rate equal to 3.5% of the statewide average wholesale price for a gallon of unleaded regular gasoline and 6.0% of the statewide average wholesale price for a gallon of diesel fuel for the applicable

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base period. To determine the average wholesale prices of each type of fuel semi-annually, the Commissioner shall use the period from December 1 through May 31 as the base period for the rates that will be used for the period beginning July 1 and ending December 31. The period from June 1 through November 30 shall be the next base period for the rates that will be used for the period beginning January 1 and ending June 30. Rates for periods will be compared to the February 20 floor rate and the higher of the two will be used.

Therefore, effective July 1, 2013, the tax rate for gasoline will be 11.1 cents per gallon and the tax rate for diesel fuel will be 20.2 cents per gallon.

To compensate for the higher tax rate leveled on diesel, the legislation allows drivers of diesel powered passenger vehicles and trucks up to 10,000 pounds to obtain a refund equal to the difference between diesel and gasoline rates. To qualify for a refund, the purchaser of the fuel must retain original receipts and file a fuels tax refund application with DMV. Those who qualify for a refund and have purchased at least five gallons of diesel fuel may visit the DMV website to file the application electronically. The applicant can apply for refunds for multiple purchases at one time; however, applications must be filed within 12 months of the date the fuel was purchased. To complete the application, the following information will be needed: the date the fuel was purchased, the number of gallons purchased, the vehicle information to include license plate number, VIN number and the odometer reading of the qualifying vehicle at the time the application is filed.

4. Inventory tax:

A one-time tax will be imposed on all licensed distributors as of the business day proceeding July 1, 2013. This tax will be imposed on gasoline, gasohol, and diesel held in storage by a licensed distributor at the close of business. The difference between tax rates on June 30, 2013 and July 1, 2013 will be used to determine a tax liability or tax refund. If a tax liability is determined, the distributor shall remit that amount to the Department no later than January 1, 2014. If the net amount results in a refund, DMV will issue refunds beginning October 1, 2013.

5. Motor Vehicle Fuels Sales Tax Act:

Adds the 2.1% Fuels Wholesale Sales Tax for the Hampton Roads Planning District's jurisdictions. The Wholesale Sales Tax is a 2.1% tax on fuels sold/delivered to retail dealers and end users in the Hampton Roads Planning District's jurisdictions. This tax is based on the sales price of the fuels and is in addition to all other taxes on fuels.

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6. Road use tax on qualified heavy vehicles:

Previously a road use tax of 21 cents per gallon was levied on heavy vehicles. Under this legislation, the road use tax rate will continue to be 3.5 cents per gallon higher than the fuels rate on diesel fuel. Although the road use tax rate may fluctuate, the tax will continue to be collected in the same fashion and taxpayers will continue to be eligible to receive full credit for the tax paid at the pump at the time they purchased the fuel.

7. Manufacturer rebate or manufacturer incentive payment:

Final sale price of vehicle shall not include any manufacturer's rebate or manufacturer's incentive.

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HB 1559 & SB 1272: Felony DWI; penalty (Chapters 415 and 655)

Amends Va. Code §§ 18.2-270, 18.2-271, and 46.2-391

This bill provides that if a person has a prior conviction of "Involuntary Manslaughter Alcohol," "Involuntary Manslaughter Boating," "Driving While Intoxicated Maiming," "Boating While Intoxicated Maiming," or "Driving While Intoxicated 3rd or subsequent," any subsequent conviction of Driving While Intoxicated (DWI) will be a Class 6 Felony violation of Driving While Intoxicated.

A DWI Felony conviction results in an indefinite suspension, which means that a person can petition the court for restricted privileges in 3 years or petition for full restoration in 5 years from the date of conviction. This conviction will be assigned six demerit points and appear on driver transcripts as follows:

"Driving While Intoxicated Felony"

Also, to assist Law Enforcement when conducting customer record inquiries, the following banner will display on driver transcripts including those generated as a result of "QT" VCIN inquiries:

"Previous DWI Felony related convictions"

A DWI Felony conviction mandates a minimum fine of \$1000 and a term of imprisonment for one year.

This bill does not provide DMV with administrative authority to require persons convicted of DWI Felony to install ignition interlock on vehicles owned and operated. Therefore, ignition interlock will only be required if it is ordered by the court.

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HB 1658: Circuit court clerks; powers and duties for certification of records (Chapter 263)

Amends Va. Code §§ 8.01-389, 8.01-446, 17.1-275, 17.1-275.5, 17.1-295, 46.2-383, 55-137.1, and 63.2-1245 and repeals § 17.1-247

This bill clarifies that a clerk shall forward an abstract of certain convictions to the Department of Motor Vehicles within 18 days after such conviction or, in the case of civil judgments, within 30 days after the judgment has become final.

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HB 1701: Driver's license applicants; failure of knowledge exam (Chapter 272)

Amends Va. Code § 46.2-325

This bill expands the options available to adult customers who fail the knowledge test three times in order to qualify to take the exam a fourth time. Effective July 1, 2013, customers age 19 and older may complete a course that is based on the content in the Virginia driver's manual and offered by a DMV-licensed driver training school. The curriculum for the course must be approved by DMV or the Department of Education.

Currently, the only option available to customers age 19 or older, is to complete the classroom portion of driver's education (36-hour course) in order to qualify to test a fourth time.

Upon completion of the course, the customer must present the Virginia Driver Training Re-examination Certificate (DTS-C) to be eligible to take the exam a fourth time.

The DTS-C has been revised to add the new option for the new driver's manual course. A copy of the revised form is provided on the next page.

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VIRGINIA DRIVER TRAINING RE-EXAMINATION CERTIFICATE

DTS C (07/01/2013)

Purpose: This certificate indicates that the student identified has successfully completed the necessary driver training course to establish eligibility for re-examination at DMV.

Instructions: Print or type to complete certificate.

Note: This certificate is not a driver's license. Student is required to take this certificate to DMV in order to take the re-examination written test/road skills test.

STUDENT INFORMATION			
FULL LEGAL NAME (last)	(first)	(middle)	(suffix)
BIRTH DATE (mm/dd/yyyy)		DMV IDENTIFICATION NUMBER/DRIVER LICENSE NUMBER	
COURSE TYPE COMPLETED			
CLASSROOM COURSE (check one) <input type="checkbox"/> (A) Driver's Manual Course (age 19 and older only) <input type="checkbox"/> (8) 36 50-minute periods of classroom instruction <input type="checkbox"/> (9) 40 hours of CDL classroom instruction		IN-VEHICLE COURSE (check one) <input type="checkbox"/> (A) 7 Hours of in-vehicle instruction (age 19 and older only) <input type="checkbox"/> (8) 14 50-minute periods of in-vehicle instruction (7 50-minute periods of driving and 7 50-minute periods of observation) <input type="checkbox"/> (9) 80 hours of CDL in-vehicle instruction	
Complete appropriate school information for course type(s) checked above			
<input type="checkbox"/> CLASSROOM COURSE SCHOOL NAME (as it appears on the DMV-issued license)			
INSTRUCTOR LICENSE NUMBER		TOTAL INSTRUCTIONAL PERIODS	DATE COMPLETED (mm/dd/yyyy)
INSTRUCTOR FULL LEGAL NAME		INSTRUCTOR SIGNATURE	DATE (mm/dd/yyyy)
<input type="checkbox"/> IN-VEHICLE COURSE SCHOOL NAME (as it appears on the DMV-issued license)			
INSTRUCTOR LICENSE NUMBER		TOTAL DRIVING PERIODS	DATE COMPLETED (mm/dd/yyyy)
INSTRUCTOR FULL LEGAL NAME		INSTRUCTOR SIGNATURE	DATE (mm/dd/yyyy)
CERTIFICATE RECEIPT SIGNATURE			
STUDENT SIGNATURE			DATE (mm/dd/yyyy)

DTS/DMV COPY

Upon completion of the course, the customer must present the DTS-C to be eligible to take the exam a fourth time. The completion date must be after the date of the third knowledge test failure.

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HB 2033: Provisional driver's license; curfew restrictions (Chapter 579) Amends Va. Code § 46.2-334.01

This bill expands the curfew-related provisions for juveniles under age 18 to allow them to operate a motor vehicle between midnight and 4:00 a.m. to include driving to or from an activity that is supervised by an adult and is sponsored by a school or by a civic, religious, or public organization. These juveniles would continue to have authority to drive to and from a place of business where he/she is employed.

Provisional licenses issued on or after July 1, 2013, will display a restriction code "9", decoded on the back of the license as "passenger/curfew/cell phone restrictions until age 18." Temporary Driving Permits (TDPs) will also display this new language.

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HB 2272: Satisfaction of judgments; motor vehicle accident (Chapter 598) Amends Va. Code §§ 46.2-417 and 46.2-427

The provisions of this legislation become effective January 1, 2014.

When a person's driving privilege is suspended for failure to satisfy a judgment, the following are required for reinstatement of driving privileges:

- Satisfy the judgment in full or enter into an installment agreement
- File proof of financial responsibility
- Pay the reinstatement fee

Currently, the unsatisfied judgment suspension orders remain in effect and on the customer's driving record indefinitely.

This bill changes the above retention period for the requirement to satisfy the judgment or enter into an installment agreement from indefinite to:

- 10 years from the date of judgment for any civil judgment obtained in a general district court
- 20 years from the date of judgment for any civil judgment obtained in a circuit court

Once the judgment requirement is waived (because the above retention timeframes have expired), the customer will still be responsible for complying

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with the requirements to provide proof of financial responsibility (SR-22) or the requirement to pay the reinstatement fee.

This bill allows the creditor to request an extension. However, the judgment creditor must notify DMV that an extension has been granted by the court prior to the above retention timeframe. If DMV receives a timely request, the judgment requirement will be extended for an additional 10 or 20 years depending upon whether the judgment was entered in a general district or circuit court. The bill does not provide for a limit on the number of extensions allowed.

**Contact: Meagan Whay, Program Specialist, Driver Services Administration
(804) 249-5069
E-mail: meagan.whay@dmv.virginia.gov**

SB 1165: Provisional driver's license; passenger restrictions (Chapter 397)

Amends Va. Code § 46.2-334.01

This bill amends the restrictions for juveniles under age 18 to limit the number of passengers under age 21 the juvenile may carry while driving unless accompanied by a parent or guardian. Specifically, the bill provides that the holders of provisional driver's license under age 18 are not authorized to operate a motor vehicle with more than one passenger who is less than 21 years old unless the driver is accompanied by a parent or person acting in loco parentis who holds a valid license and is occupying a seat beside the driver. After the first year the provisional license is issued, the holder may operate a motor vehicle with up to three passengers less than 21 years old:

- if the juvenile is driving to or from a school-sponsored activity,
- if a licensed driver who is at least 21 years old is sitting on the seat beside the driver, or
- if there is an emergency.

This passenger limitation does not apply to members of the driver's family or household.

The provisions under SB 1165 only apply to those juveniles with a provisional driver's license who turn 17 after July 1, 2013. Provisional license holders who turned age 17 on or before July 1, 2013 are subject to the following passenger restrictions:

One passenger under the age of 18 years during the first year the provisional license is issued. After the first year and until age 18, the holder of a provisional license is restricted to no more than three

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passengers under age 18. This passenger limitation does not apply to members of the driver's household or family.

Provisional licenses issued on or after July 1, 2013, will display a restriction code "9", decoded on the back of the license as "passenger/curfew/cell phone restrictions until age 18." Temporary Driving Permits (TDPs) will also display this new language.

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E-mail: terry.saunders@dmv.virginia.gov**

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HB 1395: Abandoned vehicles; public auction (Chapter 241)

Amends Va. Code § 46.2-1203

Provides that "public auctions" at which abandoned vehicles are sold by local governments can include Internet sales. The legislation also reduces the time period that a locality must hold the proceeds from such a sale for the owner from 90 to 60 days.

**Contact: William Childress, Director, Vehicle Services Administration
(804) 367-6745
E-mail: william.childress@dmv.virginia.gov**

HB 1453 & SB 1050: Public utility vehicles; extension of loads beyond front of vehicles (Chapters 242 and 385)

Amends Va. Code § 46.2-1120

Allows loads to extend 10 feet beyond the front of the vehicle for utility poles during the daytime and for emergency utility repair at night. Under current law, no vehicle is allowed to carry a load that extends more than three feet beyond the front of the vehicle.

**Contact: Michael Baxter, Director, Motor Carrier Size & Weight Services
(804) 367-0062
E-mail: michael.baxter@dmv.virginia.gov**

HB 1476: Motorcycles used in rider training courses (Chapter 111)

Amends Va. Code § 46.2-1190.2

This legislation has two components relating to motorcycles used in motorcycle rider training courses.

1. Motorcycle criteria:

Requires that motorcycles used in the motorcycle rider safety training courses must meet two of the following three criteria: (1) have an engine displacement of no more than 500 cubic centimeters, (2) weigh less than 400 pounds, and (3) be equipped with a seat whose height is 30 inches or less. Previously, motorcycles had to meet all three criteria and the seat height was not specified.

The legislation further provides that even if a motorcycle meets two of the three criteria under, DMV may deny its use by motorcycle rider safety training centers if it is deemed unsafe by DMV. A motorcycle may be deemed unsafe because of

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modification, damage, lack of maintenance, nonstandard configuration, or any other substantial safety reason.

2. Number of motorcycles:

Clarifies that training centers must provide at least one motorcycle *per student* that meets the specified criteria as to engine displacement, vehicle weight, and seat height.

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

HB 1485: Postponement of DMV vehicle registration (Chapter 337)

Amends Va. Code § 46.2-646

Authorizes the DMV Commissioner to postpone expiration of vehicle registration if DMV is unable to operate for reasons beyond its control and such postponement is authorized by the Governor. The validity period shall not be extended more than 90 days per occurrence of such conditions.

**Contact: Sheila Stephens, Deputy Director, Vehicles Services Administration
(804) 367-2634
E-mail: sheila.stephens@dmv.virginia.gov**

HB 1514: Golf carts; operation on highways in Wachapreague (Chapter 64)

Amends Va. Code § 46.2-916.2

Adds the Town of Wachapreague to the list of towns that are exempt from the general prohibition against towns without police departments allowing the highway operation of golf carts or utility vehicles.

**Contact: William Childress, Director, Vehicle Services Administration
(804) 367-6745
E-mail: william.childress@dmv.virginia.gov**

HB 1886: Vehicle tire weight limitations (Chapter 430)

Adds Va. Code § 46.2-1043.1

This bill requires a new conviction (§ 46.2-1043.1) which prohibits operation, for a commercial purpose of a truck, trailer or semitrailer whose tire weight exceeds 125 percent of the tire weight limit guidelines. This conviction description will appear on transcripts as follows:

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"VEH WEIGHT MORE THAN MARKED ON SIDEWALL"

**Contact: Michael Baxter, Director, Motor Carrier Size & Weight Services
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HB 1907 & SB 1222: Texting; penalties (Chapters 752 and 790)

Amends Va. Code §§ 46.2-868 and 46.2-1078.1

This bill increases the punishment of any person convicted of reckless driving to include a \$250 mandatory minimum fine if the person was texting at the time of the reckless driving offense.

This bill also makes the following changes to the texting statute (§ 46.2-1078.1):

- Changes the texting violation from a secondary offense (one that can only be charged when the offender is stopped for another offense) to a primary offense.
- Increases the fines for first offense texting while driving violations from \$20 to \$125
- Increases the fines for second offense texting while driving violations from \$50 to \$250
- Provides that operators of emergency vehicles are exempt so long as they are engaged in the performance of official duties

**Contact: Meagan Whay, Program Specialist, Driver Services Administration
(804) 249-5069
E-mail: meagan.whay@dmv.virginia.gov**

HB 1985: Motor vehicle weight limits and overweight permits (Chapter 118)

Amends Va. Code §§ 46.2-1104, 46.2-1129.1, 46.2-1139, and 46.2-1148

Addresses issues arising from the implementation of 2012's permit equity legislation (HB 806) and one issue from MAP-21.

1. Localities; Memorandum of Understanding (MOU):

Clarifies the scope of the MOU that a locality must enter with the DMV Commissioner, if the locality wishes to issue hauling permits to vehicles traveling over roads in its jurisdiction. Specifically, the legislation clarifies that

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the substance of the MOU is limited to the terms that have been codified in subsection A1 of § 46.2-1139.

2. Permits for haulers of Virginia-grown agricultural products:

Updates the axle and gross weight limits for vehicles that haul Virginia-grown farm produce in Accomack and Northampton counties so that they are consistent with the limits already established for similar vehicles (i.e., those issued permits under §§ 46.2-1142 through 46.2-1149.5).

3. VDOT authority to set weight limits:

Clarifies that the Commissioner of Highways retains the authority to set weight limits for vehicles moving over Virginia roads.

4. MAP-21; auxiliary power units:

Increases from 400 pounds to 550 pounds, the additional weight that a vehicle is allowed to carry if it is equipped with an auxiliary power unit (APU).

An APU helps to conserve fuel by powering the equipment and controls in a vehicle's cab when the main engine is turned off. Because an APU is a green alternative to idling a vehicle's motor, Congress has authorized states to extend the weight limits for vehicles equipped with APUs and thus remove one disincentive to adding this equipment. Virginia adopted the current, 400-pound extension of weight in 2009. However, in 2012 Congress enacted the surface transportation funding bill known as MAP-21 (Moving Ahead for Progress in the 21st Century Act), which raised the authorized weight extension to 550 pounds.

**Contact: Michael Baxter, Director, Motor Carrier Size & Weight Services
(804) 367-0062
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HB 2228: Overweight permits; engineering analysis (Chapter 354)

Amends Va. Code § 46.2-1149

Provides that the fee for a permit issued under this section shall be based on the costs assessed against the applicant to cover engineering analysis, not to exceed three hours.

**Contact: Wayne Davis, Deputy Director, Motor Carrier Size & Weight Services
(804) 497-7121
Email: wayne.davis@dmv.virginia.gov**

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HB 2243 & SB 1284: Motor carrier escort driver certification program (Chapters 312 and 477)

Amends Va. Code § 46.2-348 and adds §§ 46.2-828.2 and 46.2-1900 through 46.2-2910

The provisions of this legislation become effective January 1, 2014.

Requires DMV to establish training, licensing, and certification standards for escort driver vehicles.

This bill creates a new conviction (§ 46.2-828.2) for drivers who intentionally impede or disrupt any vehicle or vehicles that are operating under a valid highway hauling permit and that are led by a police or escort vehicle. Convictions for this violation will be assessed four demerit points and display on driver transcripts as follows:

"IMPEDE/DISRUPT VEH OPER W/HAUL PERMIT"

**Contact: Wayne Davis, Deputy Director, Motor Carrier Size & Weight Services
(804) 497-7121
E-mail: wayne.davis@dmv.virginia.gov**

SB 715: Transfer of title on death of owner (Chapter 318)

Amends Va. Code § 46.2-615 and adds § 46.2-633.2

Provides a procedure for the transfer of title to motor vehicles, trailers, and semitrailers to a designated beneficiary upon the death of the owner by allowing an owner of a motor vehicle, trailer or semitrailer to designate on the certificate of title a beneficiary who would become entitled to ownership upon the death of the owner (the "Transfer on Death" provision). The beneficiary must be a person and the beneficiary's name will be displayed on the front of the title immediately under the vehicle owner's name behind the heading "TOD".

The vehicle must be solely owned and be lien free to be eligible for the beneficiary process. Adding a lien to a certificate of title with a designated beneficiary will eliminate the beneficiary. Using the VSA 18, the vehicle owner can apply to add, delete, or change a beneficiary in person at a Customer Service Center or DMV Select, or mail his request to the Titling Work Center at the headquarters location. Application for the beneficiary is not available on-line. A certificate of title with a designated beneficiary supersedes wills and other instruments, or processes. The beneficiary must apply for the certificate of title within 120 days of the vehicle owner's death. If the beneficiary does not title the vehicle within the 120 days, the beneficiary or his estate shall have no right to obtain a title. Prior to titling the vehicle, DMV will require proof that the

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vehicle owner is deceased. This information may be provided electronically to DMV by the Virginia Department of Health (Vital Records). If not, the beneficiary is required to provide proof of the vehicle owner's death. The only documents DMV will accept are the Death Certificate or the Verification of Death document. Both documents are provided by Vital Records for a nominal fee.

Contact: William Childress, Director, Vehicle Services Administration
(804) 367-6745
E-mail: william.childress@dmv.virginia.gov

SB 794: Removable windshield placards; issuance (Chapter 137)

Amends Va. Code § 46.2-1241

This bill makes changes to the medical certification provisions for temporary disabled parking placard (TDPP) applications. It allows licensed physicians, nurse practitioners, physician assistants, podiatrists, and/or chiropractors to certify, up to 15 days in advance of a medical procedure, that their patient will have a temporary disability that meets the definition of "person with a condition that limits or impairs his ability to walk". The placard may be issued for a period of up to six months based upon the length of time authorized by the certifying medical professional, and mailed to the customer.

The Disabled Parking Placard and Plates Application (MED-10) form has been revised to require the medical professional to indicate the beginning and ending dates (including the month, day and year) when completing a certification for a TDPP. Currently medical professionals completing TDPP certifications are only required to provide the beginning and ending month.

Currently, the orange placard receipt displays the R# and the expiration date for the placard receipt. As a result of this bill, the placard receipt has been revised to include the beginning date (month, day and year). This revised placard receipt will be used when issuing temporary and permanent disabled parking placards. The space on the orange placard receipt (MED-16) for the expiration date has been revised as indicated below.

VALID TO PARK IN DISABLED PARKING SPACE
BEGINNING DATE:
ENDING DATE:

Contact: Jacquelin Branche, RN, Healthcare Compliance Officer, Driver Services Administration
(804) 367-4380
Email: jacquelin.branche@dmv.virginia.gov

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SB 887: Farm use vehicles; distance (Chapter 776)

Amends Va. Code §§ 46.2-665, 46.2-666, and 46.2-670

Increases from 30 miles to 50 miles the distance that farm use vehicles used for agricultural and horticultural purposes and the seasonal transportation of produce and livestock may travel on the highways.

**Contact: Lekecia Clark, Program Specialist, Vehicle Services Administration
(804) 367-8973**

Email: lekecia.clark@dmv.virginia.gov

SB 892: Vehicles used by commercial fisherman (Chapter 777)

Amends Va. Code § 46.2-674

Increases from 30 miles to 50 miles the distance that a commercial fisherman may transport boats or other equipment or harvested seafood without having the vehicle registered.

**Contact: Lekecia Clark, Program Specialist, Vehicle Services Administration
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SB 1038: Non-Conventional Vehicles Study legislation (Chapter 783)

Amends Va. Code §§ 15.2-919, 15.2-1720, 46.2-100, 46.2-328, 46.2-337, 46.2-600, 46.2-613, 46.2-629, 46.2-662, 46.2-694, as it is currently effective and as it may become effective, 46.2-705, 46.2-711, 46.2-714, 46.2-715, 46.2-720, 46.2-721, 46.2-904, 46.2-905, 46.2-907, 46.2-908.1, 46.2-908.3, 46.2-914, 46.2-915, 46.2-915.2, 46.2-1047, 58.1-602, 58.1-2403, 58.1-3503, 58.1-3504, and 58.1-3523

This legislation was the result of the Non-Conventional Vehicles Study. It contains several provisions relating to low-speed vehicles, motorcycle classifications, mopeds, and all-terrain vehicles (ATVs).

1. Low-speed vehicles:

Establishes a designated license plate for low-speed vehicles. The license plates will display the word "LOW SPEED" and must be on all registered low-speed vehicles by October 1, 2013. These plates will not be stocked (low volume) and will be shipped directly to the customer. Customers currently operating low speed vehicles will be notified by DMV's Special Registration Work Center via mail regarding their plates.

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2. Motorcycle classifications:

Provides that DMV shall issue motorcycle classifications with restrictions to either a two-wheeled or three-wheeled motorcycle. Drivers completing an acceptable motorcycle rider training course or completing their DMV motorcycle road skills test on a two-wheeled motorcycle will be issued an M2 Classification that restricts them to operating only a two-wheeled motorcycle. Those who complete the course or are tested using a three-wheeled motorcycle will be issued an M3 Classification that restricts them to operating only a three-wheeled motorcycle.

Drivers who qualify for both will receive an M Classification, authorizing them to operate both a two-wheeled and a three-wheeled motorcycle.

Individuals who have an M Classification on their Virginia license before July 1, 2013 will be grandfathered in and retain the authorization to operate both a two-wheeled and three-wheeled motorcycle.

Unless otherwise noted on the license, individuals who surrender an out-of-state license with a M classification will be issued a Virginia license with the M class. If the out of state license carries an M Classification restricting the driver to either a two or three-wheeled motorcycle, the corresponding M2 or M3 Classification will be added to the Virginia license.

The Virginia Motorcycle Safety Course Completion Certificate (TSS 97) has been revised to provide for training courses for 2-wheeled motorcycles as well as 3-wheeled motorcycles. A copy of the TSS 97 is provided below.

 www.dmv.virginia.gov Virginia Department of Motor Vehicles Post Office Box 27412 Richmond, Virginia 23269-0001	VIRGINIA MOTORCYCLE SAFETY COURSE COMPLETION CERTIFICATE <input type="checkbox"/> M 2 (2 wheels) <input type="checkbox"/> M 3 (3 wheels)	TSS 97 (07/01/2013) X 1234567
Check to indicate course completed - Note: certificate is invalid if both boxes are checked.		
STUDENT FULL LEGAL NAME (last) (first) (mi) (suffix) BIRTHDATE (mm/dd/yyyy)		
SCHOOL NAME SCHOOL CODE COURSE COMPLETION DATE (mm/dd/yyyy)		
This course meets NHTSA model national standards for Entry-Level Motorcycle Rider Training.		
For 30 days following the course completion date, this certificate, combined with a valid Virginia driver's license, constitutes a valid motorcycle classification for a driver age 19 or older.		
For a period of one year following the course completion date, this certificate may be used to waive the motorcycle knowledge exam and the motorcycle skills test as requirements to obtain a motorcycle classification on a valid Virginia driver's license. Additionally, for a period of one year following the course completion date, this certificate may be used to waive the 30-day motorcycle learners permit holding period for applicants age 19 or older. The certificate may not be used to waive the required nine month holding period for applicants under age 19.		
INSTRUCTOR SIGNATURE		

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3. Mopeds:

Effective July 1, 2013:

- A. Revises the definition of "moped:" "Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.
- B. Moped operators are required to carry government issued photo identification.
- C. Moped operators and passengers are required to wear helmets. Moped operators are also required to wear safety goggles, a safety shield, or have the moped equipped with a windshield.
- D. License plates will be available for owners desiring to register their mopeds. The license plate will display the word "MOPED". Specialty plates are eligible for mopeds and can be ordered.
- E. Mopeds are eligible for registration. The total fee for moped registration is \$20.25, to be distributed as follows; \$14 to DMV and \$6.25 to the Department of Health.
- F. Mopeds will continue to be subject to the retail sales and use tax and be exempt from the motor vehicle sales and use tax.
- G. Clarifies that the not more than \$50 fine under § 46.2-914 applies to all provisions of that section, not just subsection C.

Effective July 1, 2014:

- H. All mopeds must be titled, registered, and display a moped license plate by this date. The titling and registration provisions do not apply to motorized bicycles.

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4. All-terrain vehicles:

Amends the definition of all-terrain vehicle to accommodate the wide variety of new vehicles on the market. Due to the amendments to the ATV definition, amendments have also been made to the definitions of "farm utility vehicle" and "utility vehicle."

ATVs will continue to be subject to the retail sales and use tax and be exempt from the motor vehicles sales and use tax.

#1, #3, and #4:

**Contact: Sheila Stephens, Deputy Director, Vehicle Services Administration
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Email: sheila.stephens@dmv.virginia.gov

#2:

**Contact: Sharon Brown, Deputy Director, Driver Services Administration
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Special License Plates

HB 1387 & SB 837: Special license plates; Washington Nationals (Chapters 177 and 360)

Authorization within the Acts of Assembly; no Code section created

Authorizes DMV to issue revenue-sharing special license plates for supporters of the Washington Nationals baseball team to support the Washington Nationals Dream Foundation.

The plate will require a minimum of 450 prepaid applications to be submitted to DMV before 5PM, July 31, 2013. The plates carry a \$25 annual fee above the vehicle registration fee. Revenue generated from these license plates will be shared, after the first 1,000 qualifying plate sales, with the Washington Nationals Dream Foundation.

**Contact: Carolyn Easley, Plate Development Coordinator, Vehicle Services Administration
(804) 367- 0368
Email: carolyn.easley@dmv.virginia.gov**

SB 1298: Special license plates; U.S. Navy and U.S. Air Force (Chapter 478)

Amends Va. Code § 46.2-743

Authorizes DMV to issue special license plates for active duty members, retirees, or honorably discharged veterans with six months of service in the U.S. Navy or U.S. Air Force.

Each plate will require a minimum of 450 prepaid applications to be submitted to DMV before 5PM, July 31, 2013 and will carry a \$10 annual fee above the vehicle registration fee.

**Contact: Carolyn Easley, Plate Development Coordinator, Vehicle Services Administration
(804) 367- 0368
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SB 1368: Special license plates; Peace Begins at Home (Chapter 663)

Authorization within the Acts of Assembly; no Code section created

Authorizes DMV to issue revenue-sharing special license plates bearing the legend Peace Begins at Home to support the programs of the Virginia Sexual and Domestic Violence Action Alliance for the prevention of sexual and domestic violence in Virginia.

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Special License Plates

The plate will require a minimum of 450 prepaid applications to be submitted to DMV before 5PM, July 31, 2013. The plates carry a \$25 annual fee above the vehicle registration fee. Revenue generated from these license plates will be shared, after the first 1,000 qualifying plate sales, with the Virginia Sexual and Domestic Violence Action Alliance.

**Contact: Carolyn Easley, Plate Development Coordinator, Vehicle Services
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Miscellaneous

HB 1539: Sale of vehicles on consignment; supplemental sales location license (Chapter 247)

Amends Va. Code §§ 46.2-1516, 46.2-1531, 46.2-1916, 46.2-1931, 46.2-1992.14, 46.2-1992.24, 46.2-1993.14, and 46.2-1993.24

Provides that a "supplemental sales location" license is not required for a licensed motor vehicle dealer, licensed T&M dealer, licensed trailer dealer, or licensed motorcycle dealer to sell vehicles, trailers, or motorcycles on consignment at wholesale auctions. The legislation also allows the consignment sale of vehicles, trailers, or motorcycles that fail to pass safety inspection if the buyer is provided a written disclosure of that failure.

**Contact: Tonya Blaine, Deputy Director, Vehicle Services Administration
(804)367-0599
E-mail: tonya.blaine@dmv.virginia.gov**

HB 1830 & SB 948: Department of State Police and Department of Motor Vehicles; crash reports (Chapters 80 and 104)

Amends Va. Code § 46.2-380

DMV shall make crash reports available for inspection. Previously, crash reports were provided by either DMV or the Department of State Police. State Police will no longer provide copies of crash reports. Local law enforcement agencies will still provide local crash reports.

This allows DMV to retain crash reports and to furnish copies of crash reports in either hard copy or electronic form. Previously, DMV was authorized to retain and furnish crash reports in hard copy form only.

DMV's website and Information Request Form (CRD-93) will be revised to provide more information about how to obtain crash reports and who is entitled to obtain a full or partial crash report.

**Contact: Judy Vesely, Deputy Director, Data Management Services Administration
(804) 497-7175
E-mail: judy.vesely@dmv.virginia.gov**

SB 770: Fees for driver improvement clinics (Chapter 326)

Amends Va. Code § 46.2-502

When a person is referred by DMV to attend a driver improvement clinic, this bill increases the cap on the amount that the driver improvement clinic may charge from \$75 to \$100.

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Miscellaneous

**Contact: Carol Waller, Program Manager, Commercial Licensing Division
(804) 367-1969
Email: carol.waller@dmv.virginia.gov**

SB 944: Administrative Process Act; issues on review (Chapter 619)

Amends Va. Code § 2.2-4027

Provides that when a final decision of an agency is appealed under the Administrative Process Act and the decision on review is to be made based on the agency record established from a formal hearing, the duty of the court with respect to issues of fact is to determine whether there was substantial evidence in the record to support the agency decision. In addition, the legislation provides that the court shall enter judgment suspending or setting it aside and remanding it to the agency for further proceedings, if any.

**Contact: Carla Jackson, Chief Hearing Officer, Hearing Office
(804) 497-7154
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SB 1039: Access to vital records; certified copies (Chapter 534)

Amends Va. Code §§ 32.1-252, 32.1-270, 32.1-272, 32.1-273, and 32.1-276

Authorizes the DMV Commissioner to issue certified copies of birth, death, marriage, and divorce vital records in the custody of the State Registrar (at the Department of Health Division of Vital Records).

Beginning March 1, 2014, DMV is authorized to issue certified copies of birth records from 1912 onward.

Beginning January 1, 2015, DMV is authorized to issue certified copies of all other birth records and all death, marriage, and divorce records.

DMV shall be subject to the State Registrar's rules, regulations, audit requirements, and penalties and the vital records must be on security paper.

DMV will charge \$14 for each certified copy of the vital record. Of the \$14, \$12 will be provided to the Department of Health Division of Vital Records, and \$2 will be kept by DMV as a service charge.

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