

***Virginia Department of Motor
Vehicles***
2014 Legislative Bulletin-Stakeholders

Virginia Department of Motor Vehicles

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All effective dates are July 1, 2014, unless otherwise noted.

Agency Bills

HB 662 & SB 565: Commercial driver's licenses, etc.; compliance with federal requirements (Chapters 77 and 803)

Amends Va. Code §§ 46.2-341.4, 46.2-341.8, 46.2-341.10, 46.2-341.12, 46.2-341.14, 46.2-341.14:1, 46.2-341.14:2, 46.2-341.14:5, 46.2-341.14:6, 46.2-341.16, 46.2-341.20, 46.2-341.20:2, 46.2-341.20:4, 46.2-348, and adds § 46.2-341.14:01 relating to commercial driver's licenses; amends § 46.2-341.20:5 and adds § 46.2-341.20:6 relating to prohibited use of handheld mobile telephones in commercial motor vehicles; amends § 46.2-1078.1 relating to distracted driving being included as a part of the driver's license knowledge examination; and amends § 46.2-379 relating to DMV's continued disclosure of personal information from crash reports, but only if otherwise authorized by law in order to comply with federal law.

This bill contains the following components:

1. Commercial Motor Vehicles and Third Party Testing of Commercial Drivers:

- Revises definitions of various Commercial Driver's License (CDL) terms for clarity.
- Removes the provision allowing the transfer of a commercial driver's instruction permit (CIP) from another state. This bill prevents holders of out of state CIPs from obtaining a Virginia CIP without successfully completing the CDL knowledge exam(s). Holders of out of state CIPs who apply for a Virginia CIP will be required to pass the CDL general knowledge exam and the other knowledge exams for the vehicle(s) they plan to operate. However, drivers will be given credit towards the 30-day CIP holding period for the time they held their out of state CIP. The holding period requirement must be met before the applicant is allowed to take the skills exam.
- Provides for an initial validity period of 180 days for commercial driver's instruction permits with the opportunity to renew the permit for another 180 days without testing. The renewal must be applied for within 30 days after expiration of the original permit.
- Requires nationwide criminal background checks for all test examiners including third party testers. The federal regulations require background checks for states to improve the ability to detect and prevent fraudulent testing and licensing activity in the CDL program.
- Allows for the waiver of the commercial driving skills tests for drivers with experience operating military commercial motor vehicles during the two years prior to applying for a Virginia CDL.

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- Provides the authority for military third party testers to administer state CDL knowledge and skills tests. Also provides additional clarification regarding requirements for third party testers and examiners.
- Creates a new 'X' endorsement for commercial drivers who hold the combination of a tank endorsement (N) and a hazardous materials endorsement (H). The new 'X' endorsement will be decoded on the back of the license as "Hazmat and Tank Vehicle."
Licenses issued prior to July 1, 2014, will continue to display both the 'N' for tank and 'H' for hazardous materials endorsements, however, any license issued (original, renewal, duplicate, or reissue) on or after July 1, 2014, will display an 'X' rather than both an 'N' and an 'H' if the driver has met the requirements for a tank vehicle endorsement and a hazardous materials endorsement.
- Creates a new 'E' restriction for commercial drivers who test in a commercial motor vehicle (CMV) with an automatic transmission. The 'E' restriction will be decoded on the back of the license as "Restricted to Automatic Transmission Only."
This new restriction will be determined based on the vehicle the driver uses to take his/her skills test. It will only apply to licenses issued on or after July 1, 2014. Drivers who wish to have the E restriction removed will need to take the commercial road skills test in a CMV with a manual transmission.
- Swaps the current meaning of the 'K' and 'L' restriction codes.
 - Currently
 - 'K' restriction means "CMV without air brakes"
 - 'L' restriction means "CDL valid only in Virginia"
 - Effective July 1, 2014:
 - 'K' will mean "CDL valid only in Virginia"
 - 'L' will mean "CMV without air brakes"
 - Licenses issued prior to July 1, 2014, will continue to display the
 - 'K' decoded as "CMV without air brakes"
 - 'L' as "CDL valid only in Virginia,"
 - Any CDL issued (original, renewal, duplicate, or reissue) on or after July 1, 2014, will be corrected to reflect the July 1, 2014 meanings.

2. Prohibition of Hand-held Cell Phone Use in Commercial Vehicles:

Adds the use of a hand-held mobile telephone while driving a commercial motor vehicle (CMV) to the list of offenses considered by the Federal Motor Carrier Safety Administration to be "serious traffic violations" which may result in the disqualification of commercial driving privileges. Convictions for using a hand-held mobile telephone while operating a non-commercial motor vehicle are not included in the list of "serious traffic violations".

When a commercial driver's license holder's record shows two convictions for any of the serious traffic violations, DMV will issue a 60-day disqualification

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order. Three convictions for serious traffic violations result in a 120-day disqualification of commercial driving privileges.

The bill defines terms such as "mobile telephone," "driving," and "use a hand-held mobile telephone," and revises the definition of "texting". They are defined as follows:

- "Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 C.F.R. § 20.3. "Mobile telephone" does not include two-way or citizens band radio services.
- "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. This action includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry for present or future communication. "Texting" does not include inputting, selecting, or reading information on a global positioning system or navigation system; pressing a single button to initiate or terminate a voice communication using a telephone; or using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smartphones, citizens band radios, music players, etc.) for a purpose that is not otherwise prohibited in this section.

"Use a handheld mobile telephone" means using at least one hand to hold a mobile telephone to conduct a voice communication; dialing or answering a mobile telephone by pressing more than a single button; or reaching for a mobile telephone in a manner that requires a driver to maneuver so that he is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 C.F.R. § 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

Drivers who violate the prohibition are subject to a civil penalty not to exceed \$2,750. As provided in the federal regulations (49 CFR § 386.81), courts may consider the following mitigating factors in determining applicable civil penalties for drivers found to be in violation of the texting or mobile device prohibitions:

- The nature and gravity of the violation;
- The degree of culpability;
- The history of prior offenses;
- The ability to pay;
- The effect on ability to continue to do business, and
- Such other matters as justice and public safety may require.

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In addition, the bill adds § 46.2-341.20:6 prohibiting motor carriers from requiring or allowing drivers of CMVs to text or to use hand-held mobile telephones. In accordance with federal regulations employers who violate the prohibition are subject to a civil penalty not to exceed \$11,000. This bill also provides the mitigating factors (listed in 49 CFR § 386.81) courts may consider in determining applicable civil penalties for employers found to be in violation of the texting or mobile device prohibitions.

3. Driver's Privacy Protection Act of 1994 (DPPA, 18 U.S.C. §§ 2721–2725) and Maracich v. Spears (570 U. S. ____ (2013)- Release of Personal Information from Crash Reports:

On June 17, 2013, the U.S. Supreme Court issued an opinion regarding disclosure of personal data from DMV driving records under the provisions of the federal Driver's Privacy Protection Act of 1994 (DPPA, 18 U.S.C. §§ 2721– 2725). In *Maracich v. Spears* (570 U. S. ____ (2013), the Court held that obtaining such personal information for solicitation of business was not permissible under certain DPPA provisions.

As currently written, § 46.2-379 authorizes disclosure of personal data from crash reports in circumstances not permissible under the *Maracich* decision. This proposal amends § 46.2-379 to specify that DMV may continue to disclose personal information from crash reports, but only if otherwise authorized by law.

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Data Management Services

HB 837: Virginia Freedom of Information Act; state agencies to post notice of allowable charges (Chapter 421)

Amends Va. Code § 2.2-3704.1

This bill requires state agencies in the executive branch to post on their respective public government websites the following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs

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associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia."

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HB 1072 and SB 40: Personal Information Privacy Act; use of DMV-issued driver's license or ID card information (Chapters 789 and 795)

Amends Va. Code § 59.1-442 and adds § 59.1-443.3

This bill prohibits any merchant in the Commonwealth from scanning the machine-readable zone of an individual's Department of Motor Vehicles-issued identification card or driver's license, except to (i) verify authenticity of the identification card or driver's license or to verify the identity of the individual if the individual pays for goods or services with a method other than cash, returns an item, or requests a refund or an exchange; (ii) verify the individual's age in certain circumstances; (iii) prevent fraud or other criminal activity if the individual returns an item or requests a refund or an exchange and the merchant uses a fraud prevention service company or system; (iv) record, retain, or transmit information as required by state or federal law; (v) provide information to a regulated check services company; or (vi) complete a transaction permitted under certain federal statutes. Similar restrictions are imposed on a merchant's ability to retain or sell information obtained from such a scan. A person aggrieved by a violation may bring an action to recover damages of \$100 per violation, reasonable attorney fees, and court costs.

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SB 1256: Voter identification requirements; photo ID (Chapter 725)

Amends Va. Code §§ 24.2-404, 24.2-411.1, 24.2-643, and 24.2-701

The legislation is from the 2013 General Assembly session. The provisions of this legislation become effective July 1, 2014.

Requires photo ID at the polls by eliminating all forms of identification that do not contain a photograph of the voter. The legislation provides that the State Board of Elections shall provide free voter registration cards that contain a voter's photograph and signature if the voter does not possess other satisfactory photo ID.

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The bill directs the State Board of Elections and local General Registrars to establish a photograph/ID card system for the purpose of issuing “free” photo voter ID cards for individuals to use at the polls by July 1, 2014.

DMV is **not** required to issue free ID cards.

If you receive customer questions regarding this legislation or anything else related to voting or voter registration, refer customers to the Virginia State Board of Elections at 1-800-552-9745.

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Driver’s Licenses and Identification Cards

HB 771: Mature driver motor vehicle crash prevention course; license renewal, reduction in rates (Chapter 282)

Amends Va. Code §§ 16.1-69.48:1, 17.1-275, 38.2-2217, 46.2-330, and 46.2-505

1. Mature Driver Motor Vehicle Crash Prevention Course:

This bill provides judges the option of requiring drivers to attend a mature driver motor vehicle crash prevention course where applicable based on the offenses committed related to the operation of a motor vehicle. Courts may use their discretion in determining whether a driver’s age range makes him/her appropriate for a mature driver courses. Mature driver motor vehicle crash prevention courses are available to persons age 55 and older. Courts are prohibited from allowing a person to attend a mature driver motor vehicle crash prevention course to reduce, dismiss, or defer the conviction of a person charged with any offense committed while operating a commercial motor vehicle, or any commercial driver’s license holders charged with any offense while operating a non-commercial motor vehicle. Persons assigned by the court to attend a mature driver motor vehicle crash prevention course are not eligible for a reduction in insurance premium rates. Drivers will not be awarded safe driving points for the completion of mature driver motor vehicle crash prevention courses.

In cases where the court has required a person to attend a mature driver course, the person must notify the court of the successful completion. The bill also provides that failure to notify the court of successful completion may be punished as contempt of court.

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2. Mature Driver Licensing Requirements:

The bill also lowers the age at which drivers are required to renew their licenses in person from the current statutory age of 80 to 75 and requires that licenses issued to persons age 75 or older be valid for no more than five years as opposed to the current eight year license.

The provisions of this bill become effective January 1, 2015.

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HB 925 and SB 554: Driver education; community colleges shall have authority to offer courses to become instructor (Chapters 666 and 753)

Amends Va. Code § 46.2-1702

This legislation will allow any community college within the Virginia Community College System to offer the courses required by the Virginia Board of Education to become a certified driver education instructor in Virginia on a not-for-credit basis so long as the courses include the same content and curriculum required by the Department of Education. The legislation also specifies that completion of such courses enables individuals who complete those courses to then teach driver's education in Virginia driver education training schools upon official certification by the Department of Motor Vehicles.

The bills further require the Virginia Department of Education (DOE) to provide the curriculum, content, and other information regarding the courses required to become certified driver education instructors in Virginia to any community college within the Virginia Community College System. The content of each course must be accurate and rigorous and must meet the requirements for the Department of Education's Curriculum and Administrative Guide for Driver's Education, which includes the Board of Education's standards of learning.

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HB 996: Driver's licenses; applicants less than 19 years old (Chapter 286)

Amends Va. Code § 46.2-334

This bill changes the requirements for driver's license applicants who are less than 19 years old but have been licensed in other U.S. states, U.S. territories, Canadian provinces, or Canadian territories.

Minors aged 16 years and 3 months through 18 years who hold a valid driver's license from another U.S. state, territory, Canadian province or Canadian territory who have **no proof of acceptable driver's education** may obtain a temporary Virginia driver's license (DRM). The temporary license is valid for six months to allow the driver to take Virginia driver's education or to obtain proof that they completed an acceptable course while residing in the other U.S. state, territory, Canadian province or Canadian territory. Once proof is presented, the driver is issued a Virginia driver's license.

Note: Prior to July 1, 2014, drivers in this circumstance who held a valid license from another U.S. state have been permitted to obtain the 6-month temporary license. This legislation provides holders of licenses from U.S. territories, Canadian provinces, and Canadian territories the same benefit.

The other provision of this bill allows minors aged 16 years and 3 months through 18 years to obtain a Virginia driver's license without meeting Virginia's minimum driver's education requirements if they have held a valid license from another U.S. state, territory, Canadian province or Canadian territory **for at least one year and have proof of some government approved driver's education but not the required 30 periods of classroom instruction and 14 periods of in-car instruction.** To be issued a Virginia driver's license, these applicants will need to:

- Provide evidence that they have held a driver's license from another U.S. state, territory, Canadian province, or Canadian territory for at least one year.
- Provide acceptable proof that some government approved driver's education was completed while residing in the other U.S. state, territory, Canadian province, or Canadian territory.
- Successfully complete Virginia's knowledge test
- Successfully complete Virginia's road skills test

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SB 482 Driving under influence of alcohol; probation, license suspension, etc (Chapter 707)

Amends Va. Code §§ 18.2-270, 18.2-270.1, 18.2-271.1, 46.2-391.01, and 46.2-391.2

This bill gives DMV administrative authority to require ignition interlock, if the court convicted a person of DUI 1st offense and granted restricted privileges but did not order the installation of the ignition interlock device as a condition of restricted privileges. In these cases, the customer must have the ignition interlock device installed on a minimum of ONE vehicle owned, co-owned, leased or operated and any other vehicles the customer operates.

- If the court granted restricted privileges but the customer chooses not to have the interlock device installed during the suspension period, DMV will not issue a restricted license and the installation of the interlock device will not be required by DMV to reinstate driving privileges at the end of the suspension period.
- If the court granted restricted privileges and the customer has the interlock device installed at any time during the suspension period, he will have to complete the ignition interlock requirement, even if it extends beyond the suspension end date. If the customer has not completed the ignition interlock requirement by the end of the restricted license period and interlock is the only continuing requirement, DMV will issue a license with only the "F" restriction; the customer will not be required to return to the court for an extension of the restricted license order.
- If the customer appears at a DMV office with a DC-265 related to a DUI 1st conviction and it does not reflect the ignition interlock requirement, DMV will administratively impose the requirement as a condition of obtaining a restricted license. DMV will not refer the customer back to the court for an amended restricted license order.
- If the customer has the interlock device installed and later requests to have it removed prior to completing the six consecutive months violation free, the customer will need to return to the court for an amended order cancelling the driver's restricted privileges. In these cases, the installation of ignition interlock would not be required to reinstate driving privileges at the end of the one year revocation period. DMV would require complete retesting in order to obtain a license.

If the court convicts a person of DUI 1st offense and does not grant restricted privileges, there is no requirement for the court or DMV to order the installation of an ignition interlock device.

This legislation does not impact ignition interlock requirements imposed as a result of DUI 2nd and DUI 3rd/or subsequent convictions. In addition, this bill

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- Amends the statute that provides for administrative suspension of driving privileges for refusal to submit to a breath test to determine blood alcohol content to include refusal to submit to a blood test.
- Removes the provision that, unless otherwise modified by the court, a defendant who has been convicted of a fourth or subsequent DUI in 10 years shall remain on probation and under the terms of any suspended sentence for the same period as his operator's license was suspended, not to exceed three years.

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SB 205: Driver training and road tests; behind-the-wheel examination for persons age 19 or older (Chapter 685)

Amends Va. Code §§ 46.2-324.1, 46.2-325, 46.2-334, and 46.2-1702

The bill gives persons age 19 or over the option of taking the behind-the-wheel examination at a driver training school as long as they complete the current requirements already in place for persons under 19. Those requirements include 36 periods of classroom instruction, seven periods of in-car observation, and seven periods of behind-the-wheel training. The bill would also allow students who are not minors to take driver's education and their behind-the-wheel examination with their school or with a driver training school.

The bill retains the requirements that those seeking a commercial driver's license or on medical review have their behind-the-wheel examination administered by the DMV and that persons who fail the behind-the-wheel test three times at DMV must return to DMV to take the test after completing requirements at a driver training school.

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SB 367: Driver's licenses and special identification cards; designation of intellectual disability, etc. (Chapter 702)

Amends Va. Code §§ 46.2-342 and 46.2-345

This bill amends §46.2-342 and §46.2-345 to expand the list of special indicators a person can voluntarily request be displayed on their license or ID cards, to include intellectual disability or autism spectrum disorder.

Upon the request of the applicant and presentation of a signed statement by a licensed physician confirming the applicant's condition of an intellectual disability or autism spectrum disorder, DMV will place a restriction code of '9' on the front of the

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driver's license or identification card and it will be decoded on the back of the license or ID as IntD and ASD, respectively. This is consistent with the current DMV process for insulin dependent diabetics, speech impaired individuals, hearing impaired individuals who request the application of special indicators on their credentials. This information will only display on VCIN and law enforcement transcripts.

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Highway Safety

SB 97: Bicycles, etc.; minimum clearance for passing (Chapter 358)

Amends Va. Code § 46.2-839

This bill increases from two to three feet the minimum clearance between a passing vehicle and a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.

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SJ 102: Move Over Awareness Month; designating as June 2014, and each succeeding year thereafter

Designates June, in 2014 and in each succeeding year, as Move Over Awareness Month in Virginia to educate members of the public on the Move Over or Slow Down campaign, which was enacted to protect law-enforcement officers and first responders stopped on the side of a highway.

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Law Enforcement

HB 1169 and SB 279: Concealed handgun permit; retired member of Department of Motor Vehicles enforcement division (Chapters 45 and 450)

Amends Va. Code § 18.2-308

This bill would amend Code of Virginia § 18.2-308(B) by adding qualified retired DMV law enforcement officers to the list of persons exempted from the prohibition on carrying concealed handguns and weapons.

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Motor Carrier and Tax Services

HB 341: Natural gas vehicles; weight limit exception, allowance for Interstate highways (Chapter 64)

Amends Va. Code § 46.2-1129.2

This bill allows vehicles fueled, wholly or partially, by natural gas to weigh up to 2,000 pounds more than the applicable weight limit on non-interstate highways. The bill requires the operator of the vehicle to be able to demonstrate that the vehicle uses natural gas. The weight limit extension would not be valid for vehicles operating on interstate highways. This exception ensures that Virginia law will conform to federal rules regarding weight limits on interstate highways.

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HB 415 and SB 402: Truck cranes; permits authorizing operation over highways for those that exceed maximum weight (Chapters 68 and 258)

Amends Va. Code by adding § 46.2-1149.6

This bill allows the DMV Commissioner and cities and towns to authorize overweight permits for truck cranes. The bill language makes it clear that a truck crane and its counterweights constitute an irreducible load, and that overweight truck cranes are subject to the same permitting processes as every other type of overweight vehicle.

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HB 2077 and SB 1219 Motor carrier. (Chapters 582 and 165)

Amends §§ 46.2-2001.1 and 46.2-2005

This bill is from the 2013 General Assembly session. There is a delayed implementation of July 1, 2014 for this component. The bill 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.

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Motor Vehicles

HB 122 and SB 383: Autocycle; defines a new class of vehicle and provides for examination of drivers, fees, etc. (Chapters 53 and 383)

Amends Va. Code §§ 46.2-100, 46.2-325, 46.2-626.1, 46.2-662, 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-715, 46.2-730, 46.2-910, 46.2-1011, 46.2-1012, 46.2-1014, 46.2-1057, 46.2-1067, 46.2-1068, 46.2-1092, 46.2-1157, 46.2-1167, 46.2-1500, and 46.2-1993

This bill defines a new class of vehicle, known as an autocycle, and provides for examination of drivers, registration fees, safety, inspection, and other requirements pursuant to creating this new class of vehicle. This legislation reflects the recommendations of the Non-Conventional Vehicles Study relating to three-wheel vehicles that operate and handle more as automobiles than motorcycles. The bill contains technical amendments. Components of the bill include:

Definition:

- Defines a new class of vehicle (the "autocycle"), which is based on the recommendations of the American Association of Motor Vehicle Administrators (AAMVA) Three-Wheel Vehicle Working Group.
- The autocycle has a steering wheel and seating that does not allow the operator to straddle or sit astride.
- The autocycle must be manufactured to comply with federal safety standards for motorcycles.

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Driver's license requirements:

- A valid driver's license is required to operate an auticycle on state highways.
- A motorcycle class will not be required to operate an auticycle.
- Autocycles may not be used for any behind-the-wheel examination.

Safety belts:

- Autocycles must be equipped with an approved safety belt system.
- Operators and passengers in autocycles will be required to comply with safety belt use requirements.

Helmets:

- Helmets are required for operators and passengers of autocycles without a permanent, fixed roof.
- Operators of and passengers in autocycles with nonremovable roofs, windshields, and enclosed bodies shall not be required to wear helmets.
- This is consistent with current Virginia law on helmet use for motorcycle operators.

Safety inspections:

- For safety inspections, autocycles will be inspected as motorcycles.
- In order to pass the safety inspection, autocycles must also be equipped with operational safety belts.
- Because auticycle operators do not need to have a motorcycle endorsement, Virginia State Police will retain \$2.00 from each inspection of an auticycle (compared to the \$0.50 it retains for inspection of a motorcycle as the other \$1.50 must be deposited into the Motorcycle Rider Safety Training Program Fund).

Registration fees and license plates:

- The base fee for registration of an auticycle is \$18.00 (the same as a motorcycle).
- As with motorcycles, autocycles will display one license plate on the rear of the vehicle.

Auticycle dealers:

- Autocycles will be sold by licensed motorcycle dealers.
- There is no separate category for auticycle dealer.

New titles will be issued at no fee for those vehicles that were titled as motorcycles but meet the definition of auticycle.

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HB 166: Inoperable, abandoned, and salvage vehicles; salvage vehicle dealers (Chapter 59)

Amends Va. Code §§ 46.2-1205, 46.2-1601, 46.2-1603.1, 46.2-1608, and 46.2-1609 and adds §§ 46.2-1601.1, 46.2-1601.2, and 46.2-1601.3

This bill enhances and clarifies certain requirements and practices relating to the licensing and activities of vehicle demolishers, rebuilders, salvage dealers, salvage pools, and vehicle removal operators, including: (i) requiring that vehicle records be kept at and license and business hours be displayed at the licensed place of business; (ii) expanding the authorization of DMV to deny, suspend, or revoke licenses for certain violations; (iii) codifying a 30-day grace period for license renewals; and (iv) authorizing DMV to impose civil penalties for violations where a conviction is not sought. Components of the bill include:

Maintenance of Records:

Clarifies that vehicle records shall be maintained at the licensee's place of business. This ensures that those records will be readily available should DMV or law-enforcement need to examine the records. Of note, this requirement that records be kept at an established place of business is already in place for motor vehicle dealers (§ 46.2-1510), T&M dealers (§ 46.2-1910), trailer dealers (§ 46.2-1992.8), and motorcycle dealers (§ 46.2-1993.8).

Denial, Suspension, Revocation of Licenses:

- The bill authorizes DMV to deny the issuance of a license to a demolisher, rebuilder, salvage dealer, salvage pool, or vehicle removal operator if the applicant has violated § 46.2-1074, § 46.2-1075, or any other provision of Chapter 16 (§ 46.2-1600 et seq.).
- It expands on the authority for DMV to deny, suspend, or revoke licenses on other fitness grounds. This keeps the application procedure in line with that of other vehicle dealers.
- Adds noncompliance with National Motor Vehicle Title Information System (NMVTIS) reporting requirements as a reason to deny, suspend, or revoke a license. NMVTIS is a federally mandated program administered by the Department of Justice.
- Clarifies that any demolisher disposing of inoperable, abandoned vehicles under § 46.2-1205 must be licensed by DMV as a demolisher.

License Renewals:

Codifies a grace period given to license renewals by providing that a license shall not be deemed expired if the renewal application is received within 30 days of the expiration of such license. Under this situation, the license fee shall be 150% of the regular license fees. This is the same procedure followed for other dealer license

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renewals: motor vehicle dealers (§ 46.2-1521), T&M dealers (§ 46.2-1921), trailer dealers (§ 46.2-1992.19), and motorcycle dealers (§ 46.2-1993.19).

Civil Penalties:

Authorizes DMV to impose a monetary penalty of up to \$1,000 in those instances where a licensee is in violation of the salvage laws and a case is not filed with the courts (which it often is not for minor violations). Currently, DMV can only impose penalties upon conviction. As with other fees collected, these penalties would be paid by DMV into the state treasury and set aside as a special fund to be used to meet the expenses of the vehicle identification number and salvage inspection programs.

Display of License and Business Hours at Place of Business:

Requires licensees to display their license and business hours at their place of business.

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HB 768: Liens; mechanics liens, property value (Chapter 339)

Amends Va. Code §§ 43-34 and 46.2-644.03

This bill increases from \$7,500 to \$10,000 the maximum value of property that may be sold for cash at auction to satisfy a lien of an innkeeper, etc., keeper of a livery stable, marina, etc., mechanic, garage keeper, or bailee without petitioning for a court order for the sale of such property.

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HB 975 and SB 127: Hybrid electric motor vehicles; repeals annual license tax (Chapters 43 and 14)

Amends Va. Code § 58.1-2249

Effective July 1, 2014, the \$64 annual hybrid vehicle tax will be repealed. The tax is still required to be paid on all hybrid vehicle registrations that expire on or before June 30, 2014, regardless of when the customer renews the registration. Registrations that expire AFTER July 1, 2014 will no longer be required to pay the annual tax.

Any customer who renewed their hybrid vehicle for multiple years is entitled to a refund of prepaid hybrid taxes for registration years beginning July 2014 and after.

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Refunds will be issued systematically and the Department of Accounts will mail refund checks directly to the primary owner's address on file with DMV (no action needed from CSR or the customer). It is important to note that the tax remains in place for 100 percent electric plug in vehicles, as they continue using public roads but pay no fuels tax.

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HB 1108: Motor vehicle sales and use tax; exemptions (Chapter 243)

Amends Va. Code § 58.1-2403

This bill exempts from the motor vehicle sales and use tax motor vehicles sold to a § 501(c)(3) organization that are primarily used by the organization to transport to markets for sale produce that is (i) produced by local farmers and (ii) sold by such farmers to the organization. All applications for this exemption will be processed through the headquarters' Titling Work Center.

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SB 296: Motor Vehicle Dealer Board, motor vehicle dealers, and T&M vehicle dealers; efficiency of operation (Chapter 695)

Amends Va. Code §§ 46.2-1503, 46.2-1508, 46.2-1519, 46.2-1527.1, 46.2-1908, and 46.2-1919

This bill transfers the responsibility for registering foreign (outside Virginia) motor vehicle dealers to operate in Virginia to the Motor Vehicle Dealer Board (MVDB), which already handles licensing and registration for motor vehicle dealers located in Virginia.

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SB 356: Manufactured homes; revises requirements, etc., for titling homes, conversion to real property (Chapter 624)

Amends Va. Code §§ 46.2-632 and 46.2-653 and adds a § 46.2-653.1

This legislation adds manufactured homes to the types of vehicles an owner can apply to DMV for when the title to the manufactured home has been lost, is unlawfully detained, or when the title is otherwise not available.

In addition, the legislation sets out a procedure for converting a manufactured home to real property and returning title to DMV for cancellation. It also sets out a

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procedure for obtaining title from DMV if that manufactured home is converted back to personal property. This legislation will help a manufactured homeowner by allowing him to obtain title on that manufactured home if it is ever severed from the real property and sold.

1. Conversion of manufactured home to real property:

After a manufactured home has been titled and the wheels and other equipment previously used for mobility have been removed and the unit has been attached to the real property owned by the manufactured home owner, the owner may convert the home to real property as follows:

- On a the VSA 35 (Affidavit for Manufactured Home Conversion to Real Property), the manufactured home owner will certify to DMV that the wheels and other equipment have been removed from the manufactured home and that the home has been attached to real property owned by the manufactured home owner.
- DMV may only cancel the title if no security interest has been recorded on the title or if any security interest has been released by the secured party.
- Once the title has been cancelled, DMV shall provide written confirmation to the owner of such cancellation.
 - Note: This is the end of DMV's role in the process for conversion to real property.
- Upon receipt of confirmation that title has been cancelled, the owner shall file a sworn affidavit of affixation (which includes certain specified information) with the circuit court of the locality where the real property is located.
- Upon filing of the affidavit, the manufactured home shall be deemed to be real estate and shall be transferred as real estate, except if the home is thereafter severed from the property and issued a new title.

2. Severing the manufactured home from the real property:

If the owner of a manufactured home whose certificate of title has been cancelled seeks to sever the manufactured home from the real property, the owner may apply for a new certificate of title as follows:

- The owner shall file with the circuit court where the real property is located an affidavit that includes specified information.
 - Note: this is where DMV's role begins again.
- The owner must submit to the Titling Work Center the following documents to sever the manufactured home from real estate to receive a title; VSA 17B, VSA 12A, required fees, VSA 35A (Affidavit for Manufactured Home Sever from Property), a copy of the affidavit filed with the court and verification of severance from the Commissioner of Revenue/Treasurer that the manufactured home has been severed from the real property.

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HB 2313: Transportation funding bill (Chapter 766)

Amends Va. Code § 58.1-2402

This bill is from the 2013 General Assembly session. It increases the rate of the motor vehicle sales and use tax (SUT) from 4% to 4.05% on July 1, 2014. Vehicles purchased prior to July 1, 2014 but titled after July 1, 2014 will be assessed 4% SUT until September 30, 2014. After this date, 4.05% will be assessed. In addition to this SUT increase, the SUT will increase to 4.1% on July 1, 2015, and to 4.15% on July 1, 2016.

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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, 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 bill is from the 2013 General Assembly session. The bill provides that all mopeds must be titled, registered, and display a moped license plate by July 1, 2014. The titling and registration provisions do not apply to motorized bicycles.

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Special License Plates

HB 189: License plates, special; issuance for supporters of Surfrider Foundation (Chapter 556)

Amends Va. Code § 46.2-749.130

This bill amends the above code section to authorize revenue sharing for the existing Surfrider Foundation license plate and changes the annual fee from \$10 to \$25. As of July 1, 2014, \$15 of every \$25 Surfrider plate fee collected will be paid to the Surfrider Foundation Fund to be used by its Virginia Beach chapter to support

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the protection and enjoyment of oceans, waves, and beaches in Virginia. Fees are collected between July-June and will be disbursed annually to the fund.

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HB 263 and SB 135: License plates; repeals issuance to members of certain armed forces (Chapters 270 and 483)

Amends Va. Code § 46.2-743

This bill amends the above code section by removing the U.S. Navy and Air Force license plate authorization (they did not meet the 2013 legislative requirement for 450 prepaid license plate applications by July 31, 2013). It also adds existing authorization to issue the U.S. Coast Guard license plate that was formally located in CH669. Lastly, it allows DMV to accept documentation from the U.S. Department of Veteran Affairs indicating that the applicant is disabled, and that the disability is service-connected, and that the applicant has been honorably discharged from a branch of the armed forces of the United States as certification when applying for a U.S. Marine, Army or Coast Guard license plate.

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HB 608: License plates, special; amateur radio operators (Chapter 331)

Amends Va. Code § 46.2-738

This bill amends the code section above by eliminating the requirement to have radio transmitting and receiving equipment permanently installed in order to be eligible for amateur radio operator special license plates.

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HB 840: License plates, special; issuance to support Eastern Shore business community (Chapter 662)

Amends Va. Code § 46.2-749.7:3

This bill amends the above code section to authorize revenue sharing for the existing Eastern Shore license plate and changes the annual fee from \$10 to \$25. As of July 1, 2014, \$15 of every \$25 Eastern Shore plate fee collected will be paid to the Eastern Shore of Virginia Chamber of Commerce Foundation and used to support education, charity, and scientific study for the Virginia's Eastern Shore

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business community. Fees are collected between July-June and will be disbursed annually to the Foundation.

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SB 259: License plates, special; issuance for supporters of pollinator conservation (Chapter 690)

§ 1 law

This bill authorizes the issuance of special license plates for supporters of pollinator conservation bearing the legend: Protect Pollinators. The plate fee is \$10 annually and expected to be available to purchase, spring 2015.

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