

***Virginia***  
***Department of Motor Vehicles***

**2010 Legislative Bulletin**

# **Virginia Department of Motor Vehicles**

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#### **HB 61: Release of DMV photographs (Chapter 15)**

Amends Va. Code §46.2-208

Provides the authority for DMV to furnish either a paper or electronic copy of a deceased customer's digital image (photo) to a surviving spouse, child or the executor or administrator of the deceased individual's estate, if the deceased individual has been issued a driver's license, learner's permit or identification card by the department.

The legislation requires that a request be submitted in writing to DMV. The requestor must complete the CRD 93 – Information Request Form. On the form the requestor must complete sections "A" and "B" and in the "Other Information" the customer should request a digital image explaining the requestor's relation to the deceased. The form may be submitted in the CSC or mailed directly to the Customer Records Work Center (room 514). These requests will be subject to DMV's standard information request fee (currently \$8.00). Requested images will be mailed.

**Contact: Jeff Harper, Deputy Director, Data Management Services  
(804) 367-1865  
E-mail: [Jeff.Harper@dmv.virginia.gov](mailto:Jeff.Harper@dmv.virginia.gov)**

#### **HB 97: Restricted driving privilege for out-of-state drivers (Chapter 493)**

Amends Va. Code by adding a new section numbered 46.2-398.1

This bill clarifies that a court is permitted to authorize restricted driving privileges to a driver whose privilege to drive is suspended in Virginia, if the person holds a valid driver's license from another jurisdiction. If the law allows for restricted privileges and the court grants/authorizes restricted privileges, the restricted privileges will be valid only in Virginia. The court must indicate on the order that the driver is not a Virginia-licensed driver.

Not addressed in bill, but for clarification purposes: Since all states issuing driver's licenses have statutory provisions requiring the loss of that license upon conviction of DUI, Virginia courts can require the surrender of the person's license upon such a conviction, to be returned to the person's licensing state. For out-of-state drivers convicted of driving while intoxicated in Virginia, the court should surrender the driver's out-of-state license to DMV. Upon receipt, DMV will forward the out-of-state license to the driver's home state. The driver's home state can take whatever action its laws require. The surrender of out-of-state licenses only applies to DUI suspensions/revocations, since not every state requires loss of license for other offenses.

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The out-of-state driver can drive on the Virginia court restricted license order (DC-265) temporarily (until it expires). The person would need to apply for a Virginia license or ID card (if a resident), or return to their home state and present the DC-265 to the DMV for a possible restricted license.

**Contact: Ronnie Hall, Deputy Director, DSA Driver Monitoring Division  
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E-mail: [Ronnie.Hall@dmv.virginia.gov](mailto:Ronnie.Hall@dmv.virginia.gov)**

#### **HB 98 & SB 107: Restricted learner's permit (Chapters 541 and 593)**

Amends Va. Code §46.2-335

This bill provides that DMV may issue a learner's permit bearing court restrictions if:

- The driver is at least 25 years old;
- The driver has been granted restricted driving privileges by the court;  
and
- There is no record that the person has been licensed previously.

These restricted learner's permits will be subject to all of the restrictions ordered by the court, as well as the restrictions placed on adult learner's permit holders. Persons suspended by DMV for a violation of their driver improvement probation are not eligible for a restricted learner's permit.

When a person presents a restricted license court order and there is no license history on file, the Customer Service Center (CSC) representative will follow the usual procedure for confirming previous licensure. If the person is a habitual offender or there is a record of a passed road test, the CSC representative will process the transaction as a restricted driver's license. However, if the person is not a habitual offender, no record of a passed road test, and no other indication that the person was previously licensed, the CSC representative will process the transaction as a restricted learner's permit.

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**HB 445: DMV eye exams (Chapter 18)**

Amends Va. Code §§46.2-311 and 46.2-312

This bill authorizes DMV to accept comparable visual field measurements provided by eye care practitioners using equipment other than the Goldmann Visual Field Analyzer. The current vision standard for horizontal vision is based on the use of the Goldmann visual field analyzer, which is no longer used by most eye care practitioners. The most up-to-date and widely used computerized visual field analyzers are the Humphrey, the Dicon, the Henson Pro, and the Oculus Centrefield.

**Contact: Jacquelin Branche, R.N., DMV Healthcare Compliance Officer  
(804) 367-4380**

**Email: [Jacquelin.Branche@dmv.virginia.gov](mailto:Jacquelin.Branche@dmv.virginia.gov)**

**HB 513: Administrative impoundment of motor vehicles for driving without a license (Chapter 829)**

Amends Va. Code §46.2-301.1

This bill provides for a three-day administrative impoundment of the motor vehicle being driven by a person without a driver's license. The impoundment will only apply if the person is over 18 years old and has a prior conviction for driving without a license. A person driving on an expired license at the time of the offense will not have their vehicle impounded if their license expired less than one year prior to the offense.

If a driver has a prior conviction, the following transcript banner will display:

**PREVIOUS DRIVING WITHOUT LICENSE VIOLATION**

In addition, law enforcement accessing the driver's status through VCIN will receive this banner.

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#### **HB 549: Legal presence requirements for driver's licenses (Chapter 129)**

Amends Va. Code §46.2-328.1

All driver's licenses that are cancelled/suspended as a direct result of a medical order will no longer be required to prove legal presence when issued a renewal, duplicate or reissue. If there is, an additional requirement in conjunction with the medical order proof of legal presence will be required.

**Contact: Sharon Brown, Deputy Director, Driver Services Administration  
(804) 367-4371  
Email: [Sharon.Brown@dmv.virginia.gov](mailto:Sharon.Brown@dmv.virginia.gov)**

#### **HB 746: Toll payments and penalties (Chapter 839)**

Amends Va. Code §46.2-819.1 and adds a new section numbered 46.2-819.3:1

This bill permits toll operators to operate toll facilities that utilize only electronic toll collection systems and video-monitoring technology, without offering manual toll collection. A video-monitoring system captures images of vehicles using a toll facility to allow for collections when the driver does not pay using a toll collection device. The toll facility sends a bill for unpaid tolls when violations occur.

Operators of toll facilities may enter into a use agreement with the DMV to obtain vehicle owner information regarding the registered owners of vehicles that fail to pay tolls. This bill only addresses Virginia tolls and only in certain areas, those handled by Faneuil (the 3<sup>rd</sup> party service provider for VDOT and the E-ZPass program for the state of Virginia).

DMV provides VDOT vehicle and personal information of registered owners of vehicles that have violated tolls. DMV receives a daily file of toll violators (plate number and plate type). We send back all records from the original file plus vehicle and owner information for each license plate listed.

When a person has failed to satisfy toll fees related to the 3<sup>rd</sup>/subsequent violation, the court will notify DMV. The courts will use the following codes when transmitting video-monitored toll violations to DMV:

A46.2-819.3:1	Fail Pay Toll-Video (Own/Opr) 1st
B46.2-819.3:1	Fail Pay Toll-Video (Operator) 1st
A46.2-819.3:1-2	Fail Pay Toll-Video (Own/Opr) 2nd
B46.2-819.3:1-2	Fail Pay Toll-Video (Operator) 2nd
A46.2-819.3:1-3	Fail Pay Toll-Video (Own/Opr) 3rd
B46.2-819.3:1-3	Fail Pay Toll-Video (Operator) 3rd
A46.2-819.3:1-4	Fail Pay Toll-Video (Own/Opr) 4 <sup>th</sup> /subseq.

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B46.2-819.3:1-4	Fail Pay Toll-Video (Operator) 4 <sup>th</sup> /subseq.
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Upon receipt of the 3<sup>rd</sup>/subsequent toll violation, DMV places a stop on the violator's vehicle registration privileges. No action is taken by DMV for 1<sup>st</sup> and 2<sup>nd</sup> offenses of toll violations. For the 3<sup>rd</sup> and 4<sup>th</sup>/subsequent, DMV issues an order to the violator and places a (VEH) stop on vehicle registration privileges for the vehicle driven at the time of the violation if the operator of the vehicle is the owner. A stop may be placed on any and all other vehicles registered by a non-owner (a violator who was operating the vehicle but does not own the vehicle). To remove the stop on registration privileges, the customer must pay a \$40 vehicle administrative fee to DMV. Once the toll fees are paid, and the customer presents a court receipt, DMV removes the (VEH) stop.

The toll violations are not considered convictions and do not display on driver transcripts.

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**HB 769: Consecutive license suspensions for DUI (Chapter 521)**

Amends Va. Code §18.2-271

This bill requires that suspension/revocation periods for Driving Under the Influence of Alcohol/Drug convictions run consecutively (one after the other). Currently, the law only requires that DUI suspensions/revocations run consecutively with revocations for Failing to Submit to a Breath/Blood Test. However, when a person receives two or more DUI convictions within a short time, the revocations run concurrently (at the same time).

This bill was passed to ensure that drivers who are convicted of multiple DUI's within a relatively short time frame receive the total revocation/restricted time required by law for each conviction. For example, if a person is revoked or has restricted driving privileges for a DUI 1<sup>st</sup> conviction and is convicted of another DUI 1<sup>st</sup> before the first one ends, the one year period for the incoming conviction will begin after the revocation period for the existing DUI, for a total of two years. If a person is convicted of a DUI 1<sup>st</sup> and then a DUI 2<sup>nd</sup>, the total revocation/restricted time will be four years (one year for the DUI 1<sup>st</sup>, and three years for the DUI 2<sup>nd</sup>).

The requirement to run DUI suspensions/revocations consecutively does not apply to DUI 3<sup>rd</sup> indefinite revocations.



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Upon receipt of a DUI conviction, DMV's automated system will check the record for an existing DUI revocation/restricted license order. If there is an existing DUI order in effect (on revoked status or with restricted driving privileges), the system will set the revocation period for the incoming conviction to begin after the existing period of revocation/restrictions end. If the court granted restricted privileges at the time of conviction, this will mean that the driver's restrictions will end prior to the new revocation end date.

#### **New Suspension/Revocation Orders**

When this happens, the system will generate a suspension/revocation order advising the customer of the requirement to run the incoming revocation/restrictions after the existing period of revocation/restrictions end. The order issued will depend on whether or not restricted privileges were granted or if the conviction is a DUI 2<sup>nd</sup>.

The conviction and suspension/revocation events will display on the driver transcript as follows:

CONVICTED	ON 08/10/2010 DRIVING WHILE INTOXICATED, 1ST OFFENSE DATE: 07/01/2010 GENERAL DISTRICT CT RICHMOND CITY -SOUTH DEMERIT PTS: 6 CODE SECTION: 18.2-266 COUNSEL: INFO NOT AVAILABLE DEFENDANT: INFO NOT AVAILABLE SUSP PERIOD: 12 MONTHS CDL HOLDER: NO
REVOCATION	ISS: 05/25/2010 TERM: 12/31/2011 FOR DD SUSP VASAP/CONSECUT 1ST CONVICTION: 08/10/2010 GENERAL DISTRICT COURT RICHMOND CITY- SO ORDER DELIVERY DATE: ORDER PENDING RESP

The order mailed to the customer will include information on the revised revocation begin and end dates and the time period covered with restricted privileges. The order will state that an amended order is required to extend their restricted privileges to the new revocation end date, and instruct the driver to present a copy of the order or Compliance Summary to the court when requesting an amended restricted license order. The following is a draft of the verbiage that will display after the Statutory Authority references at the bottom of the DUI Orders of Suspension/Revocation sent to customers:

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VIRGINIA CODE §18.2-271 REQUIRES THAT MULTIPLE DWI REVOCATIONS RUN CONSECUTIVELY. FOR RESTRICTED PRIVILEGES COVERING THE ENTIRE SUSPENSION PERIOD, A COURT ORDER IS REQUIRED WITH THE FOLLOWING DATES:

SUSPENSION BEGIN DATE: 11/1/2010

SUSPENSION END DATE: 3/31/2014

ELIGIBLE RESTRICTION PERIOD: 11/1/2011 THROUGH 3/31/2014

CONVICTION DATE

COURT JURISDICTION/COURT TYPE

CASE NUMBER

This verbiage will also display on the Compliance Summary.

If the court granted restricted privileges at the time of conviction, DMV will be able to issue a restricted license before returning to the court for an amended order. However, an amended order will be required to extend the restricted privileges to the revocation end date.

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### **HB 916: CDL disqualification – voluntary or involuntary manslaughter (Chapter 424)**

Amends Va. Code §46.2-341.18

This bill requires that DMV disqualify a person's commercial driving privileges for a period of five years, upon receipt of a conviction of voluntary or involuntary manslaughter, where the death occurred as a direct result of the operation of a commercial motor vehicle. This requirement applies to convictions under Va. Codes §§ 18.2-35, 18.2-36 and 18.2-36.1.

DMV has created a new CDL disqualification order to be mailed to the driver. In addition, the driver transcript will display the conviction event as well as revocation and disqualification events:

CONVICTED ON 05/10/2010 MANSLAUGHTER IN VEHICLE  
OFFENSE DATE: 04/01/2010  
GENERAL DISTRICT CT RICHMOND CITY -SOUTH  
DEMERIT PTS: 6 CODE SECTION: 18.2-35  
COUNSEL: INFO NOT AVAILABLE DEFENDANT: INFO NOT AVAILABLE  
SUSP PERIOD: UNTIL ORDERED BY COURT  
COMMERCIAL VEHICLE

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CDL HOLDER: NO

REVOCATION    ISS: 05/25/2010            TERM:  
                  FOR MANSLAUGHTER  
                  CONVICTION: 05/10/2010    GENERAL DISTRICT COURT RICHMOND CITY- SO  
                  ORDER DELIVERY DATE: ORDER PENDING RESP

DISQUAL        ISS: 05/25/2010            TERM: 05/23/2015  
                  FOR DISQ MANSLAUGHTER IN CMV  
                  CONVICTION: 05/10/2010    GENERAL DISTRICT COURT RICHMOND CITY  
                  ORDER DELIVERY DATE:                            ORDER 1ST CLS MAIL  
                  DISQ LENGTH: 5 YEARS

Currently, convictions of Va. Code §§ 18.2-35, 18.2-36 and 18.2-36.1, result in an indefinite revocation of person's regular driving privileges.

**RELATED REMINDER - HB 1198: Driver Improvement Clinics for Commercial Driver's License Holders (Effective July 1, 2008)**

HB 1198 was enacted in 2008 to enable DMV to comply with Federal Motor Carrier Safety Administration (FMCSA) regulations and audit requirements regarding the Virginia Commercial Driver's License (CDL) Program.

The bill established a prohibition on reducing, dismissing, deferring, or masking convictions (preventing them from appearing on driving record) involving violations by a CDL holder in non-commercial motor vehicle. This means that courts may not allow the holder of a CDL to complete a driver improvement clinic in lieu of a conviction even if the offense occurred in the driver's non-commercial vehicle.

In addition, based on statutory changes effective July 1, 2002, courts may not allow a CDL holder to attend a driver improvement clinic in lieu of conviction for a violation committed while operating a commercial motor vehicle.

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**HB 1353: Possessing or consuming alcohol while operating a school bus (Chapter 169)**

Amends Va. Code by adding a new section numbered 4.1-309.1

This bill provides that possessing or consuming alcohol while operating a school bus is a Class 1 misdemeanor.

It further provides that a "school bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices.

A violation is a traffic infraction and will be assigned 6 demerit points. The conviction will display on the driving record as:

**DRIVE SCHOOL BUS W/CHILDREN/POSSESS/CONSUME ALCOHOL**

In addition, law enforcement accessing the driver's status through VCIN will receive this banner.

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**SB 41: Restricted driver's license – driving to church (Chapter 446)**

Amends Va. Code §18.2-271.1

Adds driving to and from a place of religious worship one day per week at a specified time and place to the list of purposes for which a court may issue restricted driving privileges.

This bill expands the list of options for restricted privileges granted/authorized by the court and DMV, to include driving to and from a place of religious worship. The statute restricts travel to and from church to one day per week at a specified time and place.

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This restriction (code – J) will decode on the driver’s license and display on the driver transcript as follows:

**TO/FRM RELIGIOUS WORSHIP PLACE**

Court restricted license order forms have been revised to include this restriction as an option. Since this new restriction reason was only added to the list provided in VA Code §18.2-271 (E), it is not available for persons who have a DI21 order (suspended in accordance with VA Code §46.2-334.01 (B) (2) for receiving a 2<sup>nd</sup> conviction for a violation while under age 18). The new verbiage regarding restriction reasons is as follows:

(j)  yes  no travel to and from a place of religious worship.

.....  
.....

NAME AND LOCATION OF PLACE OF RELIGIOUS WORSHIP

.....  
.....  
.....

AUTHORIZED DAY (ONE DAY PER WEEK) AND TIME

**Contact: Ronnie Hall, Deputy Director, DSA Driver Monitoring Division  
(804) 367-6824  
E-mail: [Ronnie.Hall@dmv.virginia.gov](mailto:Ronnie.Hall@dmv.virginia.gov)**

**SB 45: Disabled parking placards (Chapter 47)**

Amends Va. Code §§46.2-1240 and 46.2-1259 and repeals Va. Code §46.2-1257

This bill requires that DMV no longer issue permanent and temporary disabled parking placards that display the placard holder's name, date of birth, and gender. Persons who have valid placards issued prior to July 1, 2010, have the option of permanently covering their name, date of birth and gender on the placard or obtaining a replacement placard from the Department of Motor Vehicles.

In conjunction with this change, DMV has revised the orange placard receipt that is issued in CSCs when a customer applies for a temporary or permanent placard. Placard receipts issued on or after July 1, 2010 will only bear the receipt expiration date and the receipt number (R#).

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Customers who apply for an original, renewal, duplicate or reissue on or after July 1, 2010, will be mailed a placard that displays only the placard number and placard expiration date.

If a person requests a reissue or duplicate placard or placard ID card, no fee will be required if he/she is able to provide all or part of the placard being replaced, as long as it has been verified as belonging to the customer. A \$5 fee is charged for a lost or stolen placards and ID cards. If only the placard ID card needs to be replaced, the customer will receive a new placard and a corresponding ID card by mail.

In light of the change to remove identifying information for the placard holder, this bill also requires all permanent placard holders to carry the Disabled Parking Placard Identification Card when parking in disabled parking spaces, and to present it to law enforcement officials upon request. Verbiage has been added to the temporary and permanent placards and the placard ID card instructing placard holders to carry the ID card when parked in a disabled parking space.

**Contact: Jacquelin Branche, R.N., DMV Healthcare Compliance Officer**  
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**SB 219: Safety belt use by passengers under age 18 (Chapter 661)**

Amends Va. Code §§46.2-1094 and 46.2-1095

Requires all motor vehicle passengers under age 18 to wear safety belts or otherwise be secured in appropriate child restraint devices when the vehicle is in motion, subject to certain exemptions.

**Contact: Mary Ann Rayment, Occupant Protection/Media Coordinator, Virginia Highway Safety Office**  
**(751) 416-1741**  
**E-mail: [Maryann.Rayment@dmv.virginia.gov](mailto:Maryann.Rayment@dmv.virginia.gov)**

**SB 269: Driver education programs – addition of fuel-efficient driving practices (Chapter 663)**

Amends Va. Code §22.1-205

Requires the Board of Education to include fuel-efficient driving practices as part of the driver education curriculum. DMV has also committed to adding information on pedestrian and bicycle safety and disabled parking to the curriculum.

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**Contact:** Contact: Carol Waller, Program Manager, Highway and Transportation Safety Services  
(804) 367-1969  
Email: [Carol.Waller@dmv.virginia.gov](mailto:Carol.Waller@dmv.virginia.gov)

**SB 589: Punishment and options for nonpayment of child support (Chapter 682)**

Amends Va. Code §§18.2-271.1, 46.2-320, and 53.1-131.2

Provides that a person convicted of DUI or any offense for which a restricted license may be issued under restrictions set forth in subsection E of § 18.2-271.1 may be issued such a license for travel to and from Division of Child Support Enforcement/Department of Social Services approved appointments. This restriction may be imposed for persons required to participate in a court-ordered intensive case monitoring program for child support. The participant must carry written proof of the appointment, including written proof of the date and time of the appointment while driving.

This restriction (code – K) will decode on the driver’s license and display on the driver transcript as follows:

**TO/FROM CHILD SUPPT. APPOINTMENTS REQUIRED BY DCSE**

Court restricted license order forms have been revised to include this restriction as an option. Since this new restriction reason was only added to the list provided in VA Code §18.2-271 (E), it is not available for persons who have a DI21 order (suspended in accordance with VA Code §46.2-334.01 (B) (2) for receiving a 2<sup>nd</sup> conviction for a violation while under age 18). The new verbiage regarding restriction reasons is as follows:

(k) [ ] yes [ ] no travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in a court-ordered intensive case monitoring program for child support.

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#### **HB 365: Issuance of parking citation stops to nonresidents of localities (Chapter 125)**

Amends Va. Code §46.2-752

Permits localities to obtain motor vehicle records from DMV for nonresidents who have delinquent parking citations in the localities and to place registration stops (deny registration or renewal) on the vehicles of those individuals. Current law restricts the placement of parking citation stops to the records of local residents.

Currently the DMV system requires that if a vehicle has a parking infraction in Fairfax (as an example), then in order for Fairfax to apply a stop, the vehicle must be garaged in Fairfax.

This law now enables DMV to change the parking ticket program to allow a stop (VRW 1) to be placed on vehicles regardless of where the vehicle is currently garaged. If a vehicle has a parking infraction in Fairfax, then Fairfax can apply a stop regardless of where the vehicle is garaged.

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#### **HB 378: Operation of golf carts (Chapter 112)**

Amends Va. Code §46.2-916.3

Provides that in towns with a population of 2,000 or less, a golf cart or utility vehicle may cross a highway at an intersection conspicuously marked as a golf cart crossing by signs posted by VDOT, if the highway has a posted speed of no more than 35 miles per hour and the crossing is required as the only means to provide golf cart access from one part of the town to another part of the town.

**Contact: William Childress, Director, Vehicle Services Administration  
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Email: [William.Childress@dmv.virginia.gov](mailto:William.Childress@dmv.virginia.gov)**

#### **HB 849 & SB 373: Off-road recreational vehicles (Chapters 332 and 463)**

Amends Va. Code by adding a new section numbered 46.2-800.2

Authorizes localities embraced by the Southwest Regional Recreation Authority to allow over-the-road operation of "off-road recreational vehicles" within their boundaries. Localities are responsible for defining "off-road recreational vehicles" in their ordinances. Any authorization is subject to the following requirements:



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- Operation is limited to highways with posted speed limits of 25 miles per hour or less, except that a vehicle may travel up to five miles on a highway with a posted speed limit of more than 25 miles per hour;
- The locality must post signage, approved by VDOT, to alert motorists that off-road recreational vehicles may be traveling on the highway;
- The vehicles may only be operated during daylight hours;
- Vehicle operators are subject to all rules of the road applicable to other motor vehicles;
- Riders must wear helmets;
- Operators must possess a valid driver's license or be accompanied by another individual with a valid license (either on the same vehicle or another vehicle within a prudent distance);
- The locality must provide written notification to the State Police and all local law enforcement agencies of the authorization; and
- Operators will be required to obtain a permit from the Southwest Regional Recreation Authority before riding under this authorization.

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**HB 975: Forestry and special construction equipment – exclusion from titling (Chapter 135)**

Amends Va. Code §§46.2-100, 46.2-600, and 46.2-638 and adds a new section numbered 46.2-636.1

Exempts "special construction and forestry equipment" and "farm tractors", as defined in § 46.2-100, from having to be titled or registered in Virginia.

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**HB 1240: Definition of "taxicab" (Chapter 242)**

Amends Va. Code by adding a new section numbered 46.2-2059.1

Requires taxicabs to bear roof signs and markings identifying them as taxicabs.

Motor Carrier sent a News and Information Notice to all taxicab companies in April.

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**Email: [mconline@dmv.virginia.gov](mailto:mconline@dmv.virginia.gov)**

**HB 1269 & SB 293: Motor vehicle dealer demonstrator vehicles (Chapters 292 and 459)**

Amends Va. Code §§46.2-1500 and 46.2-1530

Establishes definitions for "demonstrator" and "new" motor vehicles. Describes conditions under which a motor vehicle dealer may sell a vehicle as a "new motor vehicle" even though the vehicle was 1) used as demonstrator, or 2) was delivered to buyers but never titled because the sale fell through and it was returned to the dealer.

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**HB 1277: Limitation of "Farm Use" registration (Chapter 293)**

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

Limits "Farm Use" registration exemption to pickup trucks, panel trucks, sports utility vehicles, vehicle having a gross vehicle weight rating greater than 7,500 pounds, trailers, and semitrailers. This exemption only applies to those vehicles used for agricultural or horticultural purposes, seasonal transport of farm produce and livestock, and vehicles owned by farmers and used to transport certain wood products.

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#### **SB 406: Maintenance and contents of salvage vehicle records (Chapter 873)**

Amends Va. Code §46.2-1608 and adds a new section numbered 46.2-1608.1

Clarifies items that must be maintained in licensee records to show receipt of any vehicles and allows the governing body of any locality to require that the records be reported to the police.

The bill further provides that unless proper documentation exists pursuant to the requirements of this chapter, or per §46.2-1206, or a vehicle is inoperable, licensees are required to keep the vehicles for up to 10 days before crushing them.

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#### **SB 522: Motorcycle dealers – increases radius of relevant market area (Chapter 610)**

Amends Va. Code §§46.2-1993 and 46.2-1993.67

Requires written notification from franchisor to existing dealers of the same line-make of motorcycles be done by certified mail, return receipt requested when granting additional franchises into the dealer's "relevant market area." It also redefines "relevant market area" as the term applies to franchised motorcycle dealers; typically it will mean a 20 mile radius of a franchised dealer except under the following conditions:

- If the area within a 30-mile radius around an existing franchised dealer has a population less than one million, but more than 750,000, then relevant market area is within that 30-mile radius.
- If the population within a 30-mile radius of existing franchised dealer is less than 750,000, then relevant market is the area within a 40-mile radius.
- If the franchise agreement or the manufacturer requires the franchised dealer to make significant retail sales or marketing efforts in geographic areas beyond their relevant market area, then such geographic areas are added to the dealer's relevant market area.

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**Special License Plates**

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**HB 214 & SB 552: HOV lanes – clean special fuel vehicles (Chapters 111 and 390)**

Amends Va. Code §33.1-46.2

Extends until July 1, 2011, the special sunset provision allowing vehicles bearing clean special fuel license plates to operate in HOV lanes as follows:

- Plates issued prior to July 1, 2006, to qualifying vehicles may use any HOV lanes statewide, without regard to the occupancy requirement.
- Plates issued on or after July 1, 2006, to qualifying vehicles, are exempt from the occupancy requirements of any HOV lanes except those in the I-95/395 corridor.

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**SB 18: Special License Plates (Chapter 776)**

All authorizations within the Acts of Assembly; no Code sections amended

Authorizes revenue-sharing special license plates for supporters of Virginia Kids Eat Free, Inc., for supporters of the Professor Garfield Foundation, bearing the legend TRUST WOMEN/RESPECT CHOICE, bearing the legend BUY LOCAL, for members and supporters of the Virginia Recycling Association, for supporters of the Washington Capitals hockey team, and bearing the legend FRIENDS OF COAL.

Each special license plate will require 350 prepaid applications to be submitted to DMV prior to production. All plates carry \$25 annual fees above base vehicle registrations. Revenue sharing funds, after the first 1,000 paid registrations, will go to, respectively, Virginia Kids Eat Free, Inc., Professor Garfield Foundation, Virginia League for Planned Parenthood, Retail Alliance Foundation, Virginia Recycling Association, the Washington Capitals Charities, and Department of Mines, Minerals, and Energy.

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### **HB 1012 & SB 527: Motor vehicle dealers and manufacturers – franchise agreements (Chapters 284 and 318)**

Amends Va. Code §§46.2-1500, 46.2-1569, 46.2-1571, 46.2-1572.3, and 46.2-1573 and adds a new section numbered 46.2-1573.2

Includes used car dealerships operating under the trademark of a manufacturer in the definition of "franchised motor vehicle dealer." Defines the relative market area applicable to dealers of heavy trucks and limits the certain control that may be exercised over the development and operation of a motor vehicle dealer's premises due to its franchise relationship with the manufacturer. Addresses certain practices relating to warranty and sales incentive audits to guarantee motor vehicle dealers the right to return parts sent by automated ordering system. Limits the power of a manufacturer to coerce the waiver of a motor vehicle dealer's rights under any contract or other law; and affects the hearing procedure by requiring: the selection of a hearing officer within 60 days following the request for a hearing; the commencement of the hearing process to begin within 90 days of the request for a hearing by a prehearing conference; the Commissioner to designate the method of the prehearing conference (in person, by telephone or electronic means); and the selection by the hearing officer of that hearing date consistent with the due process rights of the parties. **(SB 527 EFFECTIVE APRIL 9, 2010)**

DMV has revised its "Information for Hearing Officers" to reflect the new statutory changes.

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### **HB 1159: "Move Over" law (Chapter 289)**

Amends Va. Code §46.2-921.1

Requires drivers to move left on a four lane highway when approaching vehicles displaying flashing blue, red, or amber lights. The offense is punished as a traffic infraction, formerly a Class 1 misdemeanor. A second or subsequent violation, when such violation involved a vehicle with flashing, blinking, or alternating blue or red lights, is punishable as a Class 1 misdemeanor. These provisions shall not apply in highway work zones.

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**HB 1292: Photo-monitoring systems – access to DMV records (Chapter 175)**

Amends Va. Code §§15.2-968.1 and 46.2-208

Allows a private entity operating a traffic light photo monitoring system to enter into an agreement with DMV to obtain owner information of vehicles that fail to comply with a traffic light signal. All information must be obtained on behalf of the locality in which the traffic light photo monitoring system is used and only for use in such enforcement.

Also provides that a summons executed for violation of a photo-monitoring ordinance shall provide to the person at least 30, rather than 60, business days to inspect information collected in connection with the violation.

Localities can access and use recorded images and associated information if the vehicle involved is owned, leased or rented by the locality, for employee disciplinary purposes.

DMV has created a new use (reason) code, RL = Red Light/Speed Enforcement.

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**HB 1295 & SB 667: Dulles Access Highway – use of photo-monitoring system and access to DMV records (Chapters 865 and 813)**

Amends Va. Code §46.2-208 and adds a new section numbered 46.2-819.5

Provides for the enforcement of traffic on the Dulles Access Highway, Metropolitan Washington Airports Authority (MWAA), through the use of a photo-monitoring or other automatic identification system to identify vehicles using the highway in violation of the usage regulations. The Dulles Access Highway is a non-tolled road that runs adjacent to the Dulles Toll Road and is intended solely for use by Dulles Airport traffic.

The Dulles Access Road is a toll-free four-lane freeway located between the lanes of the Dulles Toll Road. The access road was build as part of the Dulles International Airport and MWAA restricts the use of the road to those with airport business.

Operators of the Dulles Access Highway toll facility may enter into a use agreement with the DMV to obtain vehicle owner information regarding the registered owners of vehicles that improperly use the Dulles Access Highway. This law only addresses the Dulles Access Highway, handled by Faneuil (the 3<sup>rd</sup>

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party service provider for VDOT and the E-ZPass program for the state of Virginia).

DMV provides VDOT vehicle and personal information of registered owners of vehicles that have violated tolls. DMV receives a daily file of toll violators (plate number and plate type). We send back all records from the original file plus vehicle and owner information for each license plate listed.

This law provides for the levy of fines against violators. MWAA is authorized to charge an administrative fee in addition to a fine. All fines and penalties paid to MWAA are to only be used for the improvement of the Dulles Corridor, including the Dulles Toll Road. If the penalties are not paid, MWAA is authorized to pursue the matter in court.

Upon receipt of the 3<sup>rd</sup>/subsequent violation, DMV places a stop on the violator's vehicle registration privileges. No action is taken by DMV for 1<sup>st</sup> and 2<sup>nd</sup> offenses. For the 3<sup>rd</sup> and 4<sup>th</sup>/subsequent, DMV and places a (VEH) stop on vehicle registration privileges for the vehicle driven at the time of the violation if the operator of the vehicle is the owner. A stop may be placed on any and all other vehicles registered by a non-owner (a violator who was operating the vehicle but does not own the vehicle). To remove the stop on registration privileges, the customer must pay a \$40 vehicle administrative fee to DMV. Once the fines/fees imposed by the court are paid, and the customer presents a court receipt, DMV removes the (VEH) stop.

These violations are not considered convictions and do not display on driver transcripts.

DMV has created the following new codes for use by the courts in transmitting information on the Dulles Access Highway violations to DMV:

A46.2-819.5	Access Highway Violation (Own/Opr) 1st
B46.2-819.5	Access Highway Violation (Operator) 1st
A46.2-819.5-2	Access Highway Violation (Own/Opr) 2nd
B46.2-819.5-2	Access Highway Violation (Operator) 2nd
A46.2-819.5-3	Access Highway Violation (Own/Opr) 3rd
B46.2-819.5-3	Access Highway Violation (Operator) 3rd
A46.2-819.5-4	Access Highway Violation (Own/Opr) 4 <sup>th</sup> /subseq.
B46.2-819.5-4	Access Highway Violation (Operator) 4 <sup>th</sup> /subseq.

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### **Identity Theft Passport applications (Non-legislative)**

Identity Theft Passport applications will be available at all DMV Customer Service Centers. When completing the application at a DMV office, DMV personnel will witness the applicant's proof of identification document and forward the application directly to the Office of the Attorney General (OAG). This program is coordinated by the OAG as a service to individuals who are victims of identity theft. The ID Theft Passport is a card that can be carried and presented to law enforcement or other individuals who may challenge an individual's identity. More information on the Program can be found at [www.vaag.com](http://www.vaag.com) or by calling the Office of the Attorney General at (800) 370-0459. **(ANTICIPATED IMPLEMENTATION DATE IS JULY 1, 2010)**

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***Budget Bill***

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**Budget Bill: Increase in "\$4 for Life"**

Increases the "\$4 for Life" fee from \$4.25 to \$6.25. This fee is charged on vehicle registrations and funds emergency medical services in the Commonwealth. This change will result in a \$2 increase in annual vehicle registration fees.

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**Budget Bill: \$60 increase in reinstatement fees**

This bill requires DMV to impose an additional \$60 fee upon reinstatement of driving privileges for all individuals whose license or privilege to drive has been suspended or revoked. The \$60 increase applies only to:

- Reinstatement fees for suspension/revocation orders issued on or after July 1, 2010.
- Reinstatement fees for persons applying for a restricted license on or after July 1, 2010, even though the original suspension/revocation order was issued prior to July 1, 2010.

The additional fees collected will be transferred to the Trauma Center Fund to help defray the costs associated with providing emergency medical care to victims of automobile accidents involving alcohol or drug use.

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