

Code of Virginia
Title 46.2. Motor Vehicles
Subtitle II. Titling, Registration and Licensure
Chapter 3. Licensure of Drivers

Article 1. Unlicensed Driving Prohibited

§ 46.2-300. Driving without license prohibited; penalties

No person, except those expressly exempted in §§ 46.2-303 through 46.2-308, shall drive any motor vehicle on any highway in the Commonwealth until such person has applied for a driver's license, as provided in this article, satisfactorily passed the examination required by § 46.2-325, and obtained a driver's license, nor unless the license is valid.

A violation of this section is a Class 2 misdemeanor. A second or subsequent violation of this section is a Class 1 misdemeanor.

Upon conviction under this section, the court may suspend the person's privilege to drive for a period not to exceed 90 days.

Code 1950, § 46-347; 1958, c. 541, § 46.1-349; 1968, c. 494; 1970, c. 347; 1984, c. 780; 1989, c. 727; 2005, c. 245; 2007, c. 532; 2008, c. 684.

§ 46.2-301. Driving while license, permit, or privilege to drive suspended or revoked

A. In addition to any other penalty provided by this section, any motor vehicle administratively impounded or immobilized under the provisions of § 46.2-301.1 may, in the discretion of the court, be impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been (i) suspended or revoked for a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-272, or 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction or (ii) administratively suspended under the provisions of § 46.2-391.2. However, if, at the time of the violation, the offender was driving a motor vehicle owned by another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to the release of his motor vehicle.

B. Except as provided in § 46.2-304, no resident or nonresident (i) whose driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive by any court or by the Commissioner, or (iii) who has been forbidden, as prescribed by operation of any statute of the Commonwealth or a substantially similar ordinance of any county, city or town, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in the Commonwealth until the period of such suspension or revocation has terminated or the privilege has been reinstated or a restricted license is issued pursuant to subsection E. For the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall not include mopeds.

C. A violation of subsection B is a Class 1 misdemeanor.

D. Upon a violation of subsection B, the court shall suspend the person's license or privilege to

drive a motor vehicle for the same period for which it had been previously suspended or revoked. In the event the person violated subsection B by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or revocation or to commence immediately if the previous suspension or revocation has expired. However, no such suspension shall extend beyond 10 years from the conviction date for such violation of subsection B, unless required by Article 6.1 (§ 46.2-341.1 et seq.).

E. Any person who is otherwise eligible for a restricted license may petition each court that suspended his license pursuant to subsection D for authorization for a restricted license, provided that the period of time for which the license was suspended by the court pursuant to subsection D, if measured from the date of conviction, has expired, even though the suspension itself has not expired. A court may, for good cause shown, authorize the Department of Motor Vehicles to issue a restricted license for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license shall be issued unless each court that issued a suspension of the person's license pursuant to subsection D authorizes the Department to issue a restricted license. Any restricted license issued pursuant to this subsection shall be in effect until the expiration of any and all suspensions issued pursuant to subsection D, except that it shall automatically terminate upon the expiration, cancellation, suspension, or revocation of the person's license or privilege to drive for any other cause. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to the Commissioner a copy of its authorization entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all times while operating a motor vehicle.

F. Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of this section but is guilty of a violation of § 18.2-272.

Code 1950, § 46-347.1; 1952, c. 666; 1958, c. 541, § 46.1-350; 1960, c. 364; 1962, c. 302; 1964, c. 239; 1966, cc. 546, 589; 1968, c. 494; 1970, c. 507; 1984, c. 780; 1985, c. 232; 1988, c. 859; 1989, c. 727; 1991, c. 64; 1992, c. 273; 1993, c. 24; 1994, cc. 359, 363; 1997, c. 691; 2000, cc. 956, 982; 2004, cc. 461, 801, 948; 2009, cc. 390, 764; 2010, c. 519; 2017, c. 700; 2020, cc. 964, 965, 1018; 2021, Sp. Sess. I, c. 463; 2024, c. 543.

§ 46.2-301.1. Administrative impoundment of motor vehicle for certain driving while license suspended or revoked offenses; judicial impoundment upon conviction; penalty for permitting violation with one's vehicle

A. The motor vehicle being driven by any person (i) whose driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked for a violation of § 18.2-51.4 or 18.2-272 or driving while under the influence in violation of § 18.2-266, 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction; (ii) where such person's license has been administratively suspended under the provisions of § 46.2-391.2; (iii) driving after such person's driver's license, learner's permit or privilege to drive a motor vehicle has been

suspended or revoked for unreasonable refusal of tests in violation of § 18.2-268.3, 46.2-341.26:3 or a substantially similar ordinance or law in any other jurisdiction; or (iv) driving without an operator's license in violation of § 46.2-300 having been previously convicted of such offense or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction shall be impounded or immobilized by the arresting law-enforcement officer at the time the person is arrested for driving after his driver's license, learner's permit or privilege to drive has been so revoked or suspended or for driving without an operator's license in violation of § 46.2-300 having been previously convicted of such offense or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction. The impoundment or immobilization for a violation of clause (i), (ii), or (iii) shall be for a period of 30 days. The period of impoundment or immobilization for a violation of clause (iv) shall be until the offender obtains a valid operator's license pursuant to § 46.2-300 or three days, whichever is less. In the event that the offender obtains a valid operator's license at any time during the three-day impoundment period and presents such license to the court, the court shall authorize the release of the vehicle upon payment of all reasonable costs of impoundment or immobilization to the person holding the vehicle.

The provisions of this section as to the offense described in clause (iv) shall not apply to a person who drives a motor vehicle with no operator's license (a) whose license has been expired for less than one year prior to the offense or (b) who is under 18 years of age at the time of the offense. The arresting officer, acting on behalf of the Commonwealth, shall serve notice of the impoundment upon the arrested person. The notice shall include information on the person's right to petition for review of the impoundment pursuant to subsection B. A copy of the notice of impoundment shall be delivered to the magistrate and thereafter promptly forwarded to the clerk of the general district court of the jurisdiction where the arrest was made. Transmission of the notice may be by electronic means.

At least five days prior to the expiration of the period of impoundment imposed pursuant to this section or § 46.2-301, the clerk shall provide the offender with information on the location of the motor vehicle and how and when the vehicle will be released; however, for a violation of clause (iv), such information shall be provided at the time of arrest.

All reasonable costs of impoundment or immobilization, including removal and storage expenses, shall be paid by the offender prior to the release of his motor vehicle. Notwithstanding the above, where the arresting law-enforcement officer discovers that the vehicle was being rented or leased from a vehicle renting or leasing company, the officer shall not impound the vehicle or continue the impoundment but shall notify the rental or leasing company that the vehicle is available for pickup and shall notify the clerk if the clerk has previously been notified of the impoundment.

B. Any driver who is the owner of the motor vehicle that is impounded or immobilized under subsection A may, during the period of the impoundment, petition the general district court of the jurisdiction in which the arrest was made to review that impoundment. The court shall review the impoundment within the same time period as the court hears an appeal from an order denying bail or fixing terms of bail or terms of recognizance, giving this matter precedence over all other matters on its docket. If the person proves to the court by a preponderance of the evidence that the arresting law-enforcement officer did not have probable cause for the arrest, or that the magistrate did not have probable cause to issue the warrant, the court shall rescind the impoundment. Upon rescission, the motor vehicle shall be released and the Commonwealth shall

pay or reimburse the person for all reasonable costs of impoundment or immobilization, including removal or storage costs paid or incurred by him. Otherwise, the court shall affirm the impoundment. If the person requesting the review fails to appear without just cause, his right to review shall be waived.

The court's findings are without prejudice to the person contesting the impoundment or to any other potential party as to any proceedings, civil or criminal, and shall not be evidence in any proceedings, civil or criminal.

C. The owner or co-owner of any motor vehicle impounded or immobilized under subsection A who was not the driver at the time of the violation may petition the general district court in the jurisdiction where the violation occurred for the release of his motor vehicle. The motor vehicle shall be released if the owner or co-owner proves by a preponderance of the evidence that he (i) did not know that the offender's driver's license was suspended or revoked when he authorized the offender to drive such motor vehicle; (ii) did not know that the offender had no operator's license and that the operator had been previously convicted of driving a motor vehicle without an operator's license in violation of § 46.2-300 or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction when he authorized the offender to drive such motor vehicle; or (iii) did not consent to the operation of the motor vehicle by the offender. If the owner proves by a preponderance of the evidence that his immediate family has only one motor vehicle and will suffer a substantial hardship if that motor vehicle is impounded or immobilized for the period of impoundment that otherwise would be imposed pursuant to this section, the court, in its discretion, may release the vehicle after some period of less than such impoundment period.

D. Notwithstanding any provision of this section, a subsequent dismissal or acquittal of the charge of driving without an operator's license or of driving on a suspended or revoked license shall result in an immediate rescission of the impoundment or immobilization provided in subsection A. Upon rescission, the motor vehicle shall be released and the Commonwealth shall pay or reimburse the person for all reasonable costs of impoundment or immobilization, including removal or storage costs, incurred or paid by him.

E. Any person who knowingly authorizes the operation of a motor vehicle by (i) a person he knows has had his driver's license, learner's permit or privilege to drive a motor vehicle suspended or revoked for any of the reasons set forth in subsection A or (ii) a person who he knows has no operator's license and who he knows has been previously convicted of driving a motor vehicle without an operator's license in violation of § 46.2-300 or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction shall be guilty of a Class 1 misdemeanor.

F. Notwithstanding the provisions of this section or § 46.2-301, nothing in this section shall impede or infringe upon a valid lienholder's rights to cure a default under an existing security agreement. Furthermore, such lienholder shall not be liable for any cost of impoundment or immobilization, including removal or storage expenses which may accrue pursuant to the provisions of this section or § 46.2-301. In the event a lienholder repossesses or removes a vehicle from storage pursuant to an existing security agreement, the Commonwealth shall pay all reasonable costs of impoundment or immobilization, including removal and storage expenses, to any person or entity providing such services to the Commonwealth, except to the extent such costs or expenses have already been paid by the offender to such person or entity. Such payment shall be made within seven calendar days after a request is made by such person or entity to the Commonwealth for payment. Nothing herein, however, shall relieve the offender from liability to

the Commonwealth for reimbursement or payment of all such reasonable costs and expenses.

1994, cc. 359, 363; 1994, 1st Sp. Sess., c. 10; 1995, cc. 426, 435; 1997, cc. 378, 478, 691; 2005, c. 312; 2010, cc. 519, 829; 2021, Sp. Sess. I, c. 463.

§ 46.2-302. Driving while restoration of license is contingent on furnishing proof of financial responsibility

No resident or nonresident (i) whose driver's license or learner's permit has been suspended or revoked by any court or by the Commissioner or by operation of law, pursuant to the provisions of this title or of § 18.2-271, or who has been disqualified pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), or (ii) who has been forbidden as prescribed by law by the Commissioner, the State Corporation Commission, the Commissioner of Highways, or the Superintendent of State Police, to drive a motor vehicle in the Commonwealth shall drive any motor vehicle in the Commonwealth during any period wherein the restoration of license or privilege is contingent upon the furnishing of proof of financial responsibility, unless he has given proof of financial responsibility in the manner provided in Article 15 (§ 46.2-435 et seq.) of Chapter 3 of this title. Any person who drives a motor vehicle on the roads of the Commonwealth and has furnished proof of financial responsibility but who has failed to pay a reinstatement fee, shall be tried under § 46.2-300.

A first offense violation of this section shall constitute a Class 2 misdemeanor. A second or subsequent violation of this section shall constitute a Class 1 misdemeanor.

Code 1950, § 46-484; 1958, c. 541, § 46.1-351; 1960, cc. 157, 364; 1962, c. 302; 1980, c. 29; 1984, c. 780; 1989, cc. 705, 727; 1991, c. 118.

Article 2. When License Not Required

§ 46.2-303. Licenses not required for operating road roller or farm tractor

No person shall be required to obtain a driver's license to operate a road roller or road machinery used under the supervision and control of the Department of Transportation for construction or maintenance purposes. No person shall be required to obtain a driver's license for the purpose of operating any farm tractor, farm machinery, or vehicle defined in §§ 46.2-663 through 46.2-674, temporarily drawn, moved, or propelled on the highways. The term "road machinery" shall not include motor vehicles required to be licensed by the Department of Motor Vehicles.

Code 1950, § 46-348; 1952, c. 498; 1958, c. 541, § 46.1-352; 1972, c. 346; 1984, c. 780; 1989, c. 727.

§ 46.2-304. Limited operation of farm tractor by persons convicted of driving under influence of intoxicants or drugs

The conviction of a person for driving under the influence of intoxicants or some other self-administered drug in violation of any state law or local ordinance shall not prohibit the person from operating a farm tractor on the highways when it is necessary to move the tractor from one tract of land used for agricultural purposes to another tract of land used for the same purposes, provided that the distance between the said tracts of land does not exceed five miles.

1958, c. 489, § 46.1-352.1; 1989, c. 727.

§ 46.2-305. Exemption of persons in armed services

Every person in the armed services of the United States, when furnished with a driver's license,

and when operating an official motor vehicle in such service, shall be exempt from licensure under this chapter.

Code 1950, § 46-350; 1958, c. 541, § 46.1-354; 1984, c. 780; 1989, c. 727.

§ 46.2-306. Exemption of armed services personnel and spouses and dependent children of armed services personnel

Notwithstanding § 46.2-100, a person on active duty with the armed services of the United States or a spouse or a dependent child not less than sixteen years of age of a person on active duty with the armed services of the United States who has been licensed as a driver under a law requiring the licensing of drivers in his home state or country and who has in his immediate possession a valid driver's license issued to him in his home state or country shall be permitted without examination or license under this chapter to drive a motor vehicle on the highways in the Commonwealth. The provisions of this section shall not be affected by the person's, spouse's, or dependent child's ownership of a motor vehicle registered in Virginia.

1970, c. 269, § 46.1-354.1; 1975, c. 240; 1984, c. 780; 1988, c. 107; 1989, c. 727.

§ 46.2-307. Nonresidents licensed under laws of home state or country; extension of reciprocal privileges

A. A nonresident over the age of sixteen years and three months who has been duly licensed as a driver under a law requiring the licensing of drivers in his home state or country and who has in his immediate possession a driver's license issued to him in his home state or country shall be permitted, without a Virginia license, to drive a motor vehicle on the highways of the Commonwealth.

B. Notwithstanding any other provisions of this chapter, the Commissioner, with the consent of the Governor, may extend to nonresidents from foreign countries the same driver's licensing privileges which are granted by the foreign country, or political subdivision wherein such nonresidents are residents, to residents of this Commonwealth residing in such foreign country or political subdivision.

C. Driver's license privileges may be extended to nonresidents from foreign countries or political subdivisions who are over the age of sixteen years and three months, have been duly licensed as drivers under a law requiring the licensing of drivers in their home country or political subdivision, and have in their immediate possession a driver's license issued to them in their home country or political subdivision.

Code 1950, § 46-351; 1958, c. 541, § 46.1-355; 1984, c. 780; 1989, cc. 705, 727; 1997, c. 486; 2002, c. 755.

§ 46.2-308. Temporary exemption for new resident licensed under laws of another state; privately owned vehicle driver's licenses

A resident over the age of sixteen years and three months who has been duly licensed as a driver under a law of another state or country requiring the licensing of drivers shall, for the first sixty days of his residency in the Commonwealth, be permitted, without a Virginia license, to drive a motor vehicle on the highways of the Commonwealth.

Persons to whom military privately-owned vehicle driver's licenses have been issued by the Department of Defense shall, for the first sixty days of their residency in the Commonwealth, be

permitted, without a Virginia license, to drive motor vehicles on the highways of the Commonwealth.

1976, c. 17, § 46.1-355.1; 1989, cc. 705, 727; 1994, c. [356](#); 2002, cc. [755](#), [767](#), [834](#).

§ 46.2-309. Repealed

Repealed by Acts 2005, c. [245](#), cl. 2.

§ 46.2-310. Localities may not require license except for taxicabs; prosecutions for operation of vehicle without license or while suspended

Counties, cities, and towns shall not require any local permit to drive, except as provided in this section. Counties, cities, and towns may adopt regulations for the licensing of drivers of taxicabs and similar for-hire passenger vehicles and for the control of the operation of such for-hire vehicles. This section shall not preclude any county, city, or town from prosecuting, under a warrant issued by such county, city, or town, a person charged with violation of a local ordinance prohibiting operation of a motor vehicle without a driver's license or while his driver's license or privilege to drive is suspended or revoked.

Code 1950, § 46-349; 1958, c. 541, § 46.1-353; 1964, c. 455; 1984, c. 780; 1989, c. 727.

Article 3. Persons Not to Be Licensed

§ 46.2-311. Persons having defective vision; minimum standards of visual acuity and field of vision; tests of vision

A. The Department shall not issue a driver's license or learner's permit (i) to any person unless he demonstrates a visual acuity of at least 20/40 in one or both eyes with or without corrective lenses or (ii) to any such person unless he demonstrates at least a field of 110 degrees of horizontal vision in one or both eyes or a comparable measurement that demonstrates a visual field within this range. However, a license permitting the driving of motor vehicles during a period beginning one-half hour after sunrise and ending one-half hour before sunset, may be issued to a person who demonstrates a visual acuity of at least 20/70 in one or both eyes without or with corrective lenses provided he demonstrates at least a field of 70 degrees of horizontal vision or a comparable measurement that demonstrates a visual field within this range, and further provided that if such person has vision in one eye only, he demonstrates at least a field of 40 degrees temporal and 30 degrees nasal horizontal vision or a comparable measurement that demonstrates a visual field within this range.

B. The Department shall not issue a driver's license or learner's permit to any person authorizing the driving of a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ [46.2-341.1](#) et seq.) unless he demonstrates a visual acuity of at least 20/40 in each eye and at least a field of 140 degrees of horizontal vision or a comparable measurement that demonstrates a visual field within this range.

C. Every person applying to renew a driver's license and required to be reexamined as a prerequisite to the renewal of the license, shall:

1. Appear before a license examiner of the Department to demonstrate his visual acuity and horizontal field of vision, or
2. Accompany his application with a report of such examination made within 90 days prior thereto by an ophthalmologist or optometrist.

D. The test of horizontal visual fields made by license examiners of the Department shall be performed at thirty-three and one-third centimeters with a 10 millimeter round white test object or may, at the discretion of the Commissioner, be performed with electronic or other devices designed for the purpose of testing visual acuity and horizontal field of vision. The report of examination of visual acuity and horizontal field of vision made by an ophthalmologist or optometrist shall have precedence over an examination made by a license examiner of the Department in administrative determination as to the issuance of a license to drive. Any such report may, in the discretion of the Commissioner, be referred to a medical advisory board or to the State Health Commissioner for evaluation.

E. Notwithstanding the provisions of subsection B of this section, any person who is licensed to drive any motor vehicle may, on special application to the Department, be licensed to drive any vehicle, provided the operation of the vehicle would not unduly endanger the public safety, as determined by the Commissioner.

The Commissioner may waive the vision requirements of subsection B for any commercial driver's license applicant who either (i) is subject to the Federal Motor Carrier Safety Regulations but is exempt from the vision standards of 49 C.F.R. Part 391 or (ii) is not required to meet the vision standards specified in 49 C.F.R. § 391.41 of the regulations.

In order to determine whether such a waiver would unduly endanger the public safety, the Commissioner shall require such commercial driver's license applicant to submit a special waiver application and to provide all medical information relating to his vision that may be requested by the Department. The Department may require such commercial driver's license applicant to take a road test administered by the Department before determining whether to grant a waiver. If a waiver is granted, the Department may subject the applicant's use of a commercial motor vehicle to reasonable restrictions, which shall be noted on the commercial driver's license. If a waiver is granted, the Department may also limit the validity period of the commercial driver's license, and the expiration date shall be noted on the commercial driver's license.

1968, c. 642, § 46.1-357.2; 1972, c. 502; 1980, c. 118; 1981, c. 194; 1984, c. 780; 1989, cc. 705, 727; 2010, c. 18; 2013, cc. 165, 582; 2017, cc. 121, 279.

§ 46.2-312. Persons using bioptic telescopic lenses

A. Persons using bioptic telescopic lenses shall be eligible for driver's licenses if they:

1. Demonstrate a visual acuity of at least 20/200 in one or both eyes and a field of seventy degrees horizontal vision without or with corrective carrier lenses or a comparable measurement that demonstrates a visual field within this range, or if these persons have vision in one eye only, they demonstrate a field of at least forty degrees temporal and thirty degrees nasal horizontal vision or a comparable measurement that demonstrates a visual field within this range;
2. Demonstrate a visual acuity of at least 20/70 in one or both eyes with the bioptic telescopic lenses and without the use of field expanders;
3. Meet all other criteria for licensure;
4. Accompany the license application with a report of examination by an ophthalmologist or optometrist on a form prescribed by the Department for evaluation by the Medical Advisory Board.

B. Persons using bioptic telescopic lenses shall be eligible for learner's permits issued under § 46.2-335 provided they first meet the requirements of subsection A of this section, except for that part of the examination requiring the applicant to drive a motor vehicle.

C. Persons using bioptic telescopic lenses shall be subject to the following restrictions:

1. They shall not be eligible for any of the driver's license endorsements provided for in § 46.2-328;

2. Their driver's licenses shall permit the operation of motor vehicles only during the period beginning one-half hour after sunrise and ending one-half hour before sunset.

D. Notwithstanding the provisions of subdivision C 2 of this section, persons using bioptic telescopic lenses may be licensed to drive motor vehicles between one-half hour before sunset and one-half hour after sunrise if they:

1. Demonstrate a visual acuity of at least 20/40 in one or both eyes with the bioptic telescopic lenses and without the use of field expanders;

2. Have been licensed under subsection C of this section for at least one year; and

3. Pass a skills test taken at night.

1986, c. 115, § 46.1-357.3; 1989, cc. 147, 727; 2010, c. 18.

§ 46.2-313. Persons with suspended or revoked licenses

The Department shall not issue a driver's license to any person whose license has been suspended, during the period of the suspension; nor to any person whose license has been revoked, or should have been revoked, under the provisions of this title, until the expiration of one year after the license was revoked, unless otherwise permitted by the provisions of this title.

Code 1950, § 46-354; 1958, c. 541, § 46.1-358; 1984, c. 780; 1989, c. 727.

§ 46.2-314. Repealed

Repealed by Acts 2017, c. 156, cl. 2, effective February 23, 2017.

§ 46.2-315. Persons unable to exercise reasonable and ordinary control over a motor vehicle

The Department shall not issue a driver's license to any person when, in the opinion of the Department, such person is suffering from an impairment that will prevent his exercising reasonable and ordinary control over a motor vehicle while driving it on the highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs.

The term "impairment" shall not mean inability of a person to hear or to speak, or both, when he has good vision and can satisfactorily demonstrate his ability to drive a motor vehicle and has sufficient knowledge of traffic rules and regulations.

Code 1950, § 46-357; 1958, c. 541, § 46.1-361; 1984, c. 780; 1989, c. 727; 2024, c. 414.

§ 46.2-316. Persons convicted or found not innocent of certain offenses; requirement of proof of financial responsibility for certain offenses

A. The Department shall not issue a driver's license or learner's permit to any resident or nonresident person while his license or other privilege to drive is suspended or revoked because of his conviction, or finding of not innocent in the case of a juvenile, or forfeiture of bail upon

the following charges of offenses committed in violation of either a law of the Commonwealth or a valid local ordinance or of any federal law or law of any other state or any valid local ordinance of any other state:

1. Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.
2. Perjury, the making of a false affidavit to the Department under any law requiring the registration of motor vehicles or regulating their operation on the highways, or the making of a false statement in any application for a driver's license.
3. Any crime punishable as a felony under the motor vehicle laws or any felony in the commission of which a motor vehicle is used.
4. Violation of the provisions of § 18.2-51.4, pertaining to maiming while under the influence, § 18.2-266, pertaining to driving while under the influence of intoxicants or drugs, or of § 18.2-272, pertaining to driving while the driver's license has been forfeited for a conviction, or finding of not innocent in the case of a juvenile, under §§ 18.2-51.4, 18.2-266 or § 18.2-272, or for violation of the provisions of any federal law or law of any other state or any valid local ordinance similar to §§ 18.2-51.4, 18.2-266 or § 18.2-272.
5. Failure of a driver of a motor vehicle, involved in an accident resulting in death or injury to another person, to stop and disclose his identity at the scene of the accident.
6. On a charge of operating or permitting the operation, for the second time, of a passenger automobile for the transportation of passengers for rent or for hire, without having first obtained a license for the privilege as provided in § 46.2-694.

B. Except as provided in subsection C, the Department shall not issue a driver's license or learner's permit to any person convicted of a crime mentioned in subsection A of this section for a further period of three years after he otherwise becomes entitled to a license or permit until he proves to the Commissioner his ability to respond in damages as provided in Article 15 (§ 46.2-435 et seq.) of Chapter 3 of this title or any other law of the Commonwealth requiring proof of financial responsibility.

C. In addition to the prohibition on licensure set forth in subsection A, the Department shall not issue or reinstate a driver's license or learner's permit to any person convicted of a violation set forth in subdivision A 4 for a period of three years after he otherwise becomes entitled to a license or permit until he furnishes proof of financial responsibility in the future under a motor vehicle liability insurance policy that satisfies the requirements of § 46.2-472 except that the limits of coverage exclusive of interest and costs, with respect to each motor vehicle insured under the policy, shall be not less than double the minimum limits set forth in subdivision A 3 of § 46.2-472 for bodily injury or death of one person in any one accident, for bodily injury to or death of two or more persons in any one accident, and for injury to or destruction of property of others in any one accident.

Code 1950, § 46-358; 1958, c. 541, § 46.1-362; 1960, c. 364; 1966, c. 549; 1974, c. 453; 1980, c. 29; 1984, c. 780; 1989, c. 727; 1997, c. 691; 2007, c. 496.

§ 46.2-317. Persons making false statement in application

The Department shall not issue, for a period of one year, a driver's license or learner's permit when the records of the Department clearly show to the satisfaction of the Commissioner that

the person has made a willful material false statement on any application for a driver's license.

Code 1950, § 46-358.1; 1958, c. 541, § 46.1-363; 1984, c. 780; 1989, c. 727.

§ 46.2-318. Cancellation or revocation of license where application is false in material particular

The Commissioner may cancel or revoke any license or permit issued pursuant to this title when it appears that the information set forth in the application for the license or permit is false in any material particular.

1958, c. 541, § 46.1-364; 1989, c. 727.

§ 46.2-319. Refusal or revocation of license for certain fraudulent acts in obtaining a driver's license

The Department shall not issue any permit or license under this title to any person who has been convicted, or found not innocent in the case of a juvenile, of violating § 46.2-348, when the violation was based on the taking of any examination under §§ 46.2-311, 46.2-322, 46.2-325 or the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.) for another person, or the appearance for another for renewal of a license under this chapter, for a period of ten years from the date of conviction, or finding of not innocent in the case of a juvenile. If the person has a license or permit issued pursuant to this title, the Commissioner shall revoke the license or permit for a period of ten years from the date of the conviction, or finding of not innocent in the case of a juvenile.

1968, c. 642, § 46.1-365; 1974, c. 453; 1989, cc. 705, 727.

§ 46.2-320. Other grounds for refusal or suspension

The Department may refuse to grant an application for a driver's license in any of the circumstances set forth in § 46.2-608 as circumstances justifying the refusal of an application for the registration of a motor vehicle. The Department may refuse to issue or reissue a driver's license for the willful failure or refusal to pay any taxes or fees required to be collected or authorized to be collected by the Department.

Code 1950, § 46-359; 1958, c. 541, § 46.1-366; 1982, c. 147; 1984, c. 780; 1989, c. 727; 1995, c. 595; 1996, cc. 785, 1013; 1997, cc. 473, 794, 857, 898; 1999, c. 615; 2001, cc. 645, 779; 2010, c. 682; 2011, c. 773; 2012, c. 829.

§ 46.2-320.1. Other grounds for suspension; nonpayment of child support

A. The Commissioner may enter into an agreement with the Department of Social Services whereby the Department may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings. A suspension or refusal to renew authorized pursuant to this section shall not be effective until 30 days after service on the delinquent obligor of notice of intent to suspend or refusal to renew. The notice of intent shall be served on the obligor by the Department of Social Services (a) by certified mail, return receipt requested, or by electronic means, sent to the obligor's last known addresses as shown in the records of the Department or the Department of Social Services or (b) pursuant to § 8.01-296, or service may be waived by the obligor in accordance with procedures established by the Department of Social Services. The obligor shall be entitled to a judicial hearing if a request for a hearing is made, in writing, to the Department

of Social Services within 30 days from service of the notice of intent. Upon receipt of the request for a hearing, the Department of Social Services shall petition the court that entered or is enforcing the order, requesting a hearing on the proposed suspension or refusal to renew. The court shall authorize the suspension or refusal to renew only if it finds that the obligor's noncompliance with the child support order was willful. Upon a showing by the Department of Social Services that the obligor is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more, the burden of proving that the delinquency was not willful shall rest upon the obligor. The Department shall not suspend or refuse to renew the driver's license until a final determination is made by the court.

B. At any time after service of a notice of intent, the person may petition the juvenile and domestic relations district court in the jurisdiction where he resides for the issuance of a restricted license to be used if the suspension or refusal to renew becomes effective. Upon such petition and a finding of good cause, the court may provide that such person be issued a restricted permit to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1. A restricted license issued pursuant to this subsection shall not permit any person to operate a commercial motor vehicle as defined in § 46.2-341.4. The court shall order the surrender of the person's license to operate a motor vehicle, to be disposed of in accordance with the provisions of § 46.2-398, and shall forward to the Commissioner a copy of its order entered pursuant to this subsection. The order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify him.

C. The Department shall not renew a driver's license or terminate a license suspension imposed pursuant to this section until it has received from the Department of Social Services a certification that the person has (i) paid the delinquency in full; (ii) reached an agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed 10 years, and at least one payment representing at least five percent of the total delinquency or \$600, whichever is less, has been made pursuant to the agreement; (iii) complied with a subpoena, summons, or warrant relating to a paternity or child support proceeding; or (iv) completed or is successfully participating in an intensive case monitoring program for child support as ordered by a juvenile and domestic relations district court or as administered by the Department of Social Services. Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that payment required by clause (i) or (ii) is made.

D. If a person who has entered into an agreement with the Department of Social Services pursuant to clause (ii) of subsection C fails to comply with the requirements of the agreement, the Department of Social Services shall notify the Department of the person's noncompliance and the Department shall suspend or refuse to renew the driver's license of the person until it has received from the Department of Social Services a certification that the person has paid the delinquency in full or has entered into a subsequent agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed seven years and has made at least one payment of \$1,200 or seven percent of the total delinquency, whichever is less, pursuant to the agreement. If the person fails to comply with the terms of a subsequent agreement reached with the Department of Social Services pursuant to this section, without further notice to the person as provided in the subsequent agreement, the Department of Social Services shall notify the Department of the person's noncompliance, and the Department shall suspend or refuse to renew the driver's license of the person. A person who has failed to comply

with the terms of a second or subsequent agreement pursuant to this subsection may be granted a new agreement with the Department of Social Services if the person has made at least one payment of \$1,800 or 10 percent of the total delinquency, whichever is less, and agrees to a repayment schedule of not more than seven years. Upon receipt of certification from the Department of Social Services of the person's satisfaction of these conditions, the Department shall issue a driver's license to the person or reinstate the person's driver's license. Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that payment required by this subsection is made.

2012, c. [829](#); 2015, c. [506](#); 2016, c. [29](#); 2019, cc. [284](#), [285](#).

§ 46.2-320.2. Repealed

Repealed by Acts 2020, cc. [740](#) and [741](#), cl. 2.

§ 46.2-321. Appeal from denial, suspension, or revocation of license; operation of vehicle pending appeal

Any person denied a license or whose license has been revoked, suspended, or cancelled under this article may appeal in accordance with the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq.). From the final judgment of the court, either the petitioner or the Commonwealth shall have an appeal as a matter of right to the Court of Appeals.

While an appeal is pending from the action of the Department denying a license or from the court affirming the action of the Department, the person aggrieved shall not drive a motor vehicle on the highways of the Commonwealth.

Code 1950, § 46-360; 1958, c. 541, § 46.1-367; 1960, c. 511; 1973, c. 544; 1984, c. 703; 1986, c. 615; 1989, c. 727; 1990, c. 418.

§ 46.2-322. Examination of licensee believed unable to drive safely; suspension or restriction of license; license application to include questions as to abilities of applicant; false answers; examination of applicant; physician's, advanced practice registered nurse's, or physician assistant's statement

A. If the Department has good cause to believe that a driver is impaired and therefore unable to drive a motor vehicle safely, after written notice of at least 15 days to the person, it may require him to submit to an examination to determine his fitness to drive a motor vehicle. If the driver so requests in writing, the Department shall give the Department's reasons for the examination, including the identity of all persons who have supplied information to the Department regarding the driver's fitness to drive a motor vehicle. However, the Department shall not supply the reasons or information if its source is a relative of the driver or a physician, a physician assistant, an advanced practice registered nurse, a pharmacist, or other licensed medical professional as defined in § [38.2-602](#) treating, or prescribing medications for, the driver.

B. As a part of its examination, the Department may require a physical examination by a licensed physician, licensed advanced practice registered nurse, or licensed physician assistant and a report on the results thereof. When it has completed its examination, the Department shall take whatever action may be appropriate and may suspend the license or privilege to drive a motor vehicle in the Commonwealth of the person or permit him to retain his license or privilege to drive a motor vehicle in the Commonwealth, or may issue a license subject to the restrictions authorized by § [46.2-329](#). Refusal or neglect of the person to submit to the examination or

comply with restrictions imposed by the Department shall be grounds for suspension of his license or privilege to drive a motor vehicle in the Commonwealth.

C. The Commissioner shall include, as a part of the application for an original driver's license, or renewal thereof, questions as to the existence of impairments that affect the ability of the applicant to drive a motor vehicle safely. Any person knowingly giving a false answer to any such question is guilty of a Class 2 misdemeanor. If the answer to any such question indicates the existence of such condition, the Commissioner shall require an examination of the applicant by a licensed physician, licensed physician assistant, or licensed advanced practice registered nurse as a prerequisite to the issuance of the driver's license. The report of the examination shall contain a statement that, in the opinion of the physician, physician assistant, or advanced practice registered nurse, the applicant's physical or mental condition at the time of the examination does or does not preclude his safe driving of motor vehicles.

Code 1950, § 46-378; 1952, c. 666; 1958, c. 541, § 46.1-383; 1960, c. 201; 1966, c. 631; 1968, c. 167; 1972, c. 419; 1974, c. 453; 1978, c. 353; 1984, c. 780; 1988, c. 798; 1989, c. 727; 1997, c. 801; 2004, cc. 351, 855; 2006, c. 396; 2011, c. 441; 2023, c. 183; 2024, c. 414.

Article 4. Obtaining Licenses, Generally

§ 46.2-323. Application for driver's license; proof of completion of driver education program; penalty

A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the applicant has been convicted of an offense for which registration with the Sex Offender and Crimes Against Minors Registry is required.

B. Every application shall state the full legal name, year, month, and date of birth, social security number, sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation. Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the driver's license application form. The Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall require the surrender of any driver's license or, in the case of a motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant. The applicant shall also answer any questions on the application form or otherwise propounded by the Department incidental to the examination. The applicant may also be required to present proof of identity, residency, and social security number or non-work authorized status, if required to appear in person before the Department to apply.

The Commissioner shall require that each application include a certification statement to be signed by the applicant under penalty of perjury, certifying that the information presented on the application is true and correct.

If the applicant fails or refuses to sign the certification statement, the Department shall not issue the applicant a driver's license, temporary driver's permit, learner's permit or motorcycle

learner's permit.

Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be punished as provided in § 46.2-348.

C. Every application for a driver's license shall include a photograph of the applicant supplied under arrangements made by the Department. The photograph shall be processed by the Department so that the photograph can be made part of the issued license.

D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under 18 years of age shall furnish the Department with satisfactory proof of his successful completion of a driver education program approved by the State Department of Education.

E. Every application for a driver's license submitted by a person less than 18 years old and attending a public school in the Commonwealth shall be accompanied by a document, signed by the applicant's parent or legal guardian, authorizing the principal, or his designee, of the school attended by the applicant to notify the juvenile and domestic relations district court within whose jurisdiction the minor resides when the applicant has had 10 or more unexcused absences from school on consecutive school days.

F. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application of licensure.

Code 1950, § 46-362; 1958, c. 541, § 46.1-368; 1962, c. 368; 1968, c. 642; 1974, c. 605; 1982, c. 180; 1983, c. 608; 1984, cc. 778, 780; 1988, c. 105; 1989, cc. 705, 727; 1993, cc. 471, 501; 1994, c. 362; 1998, c. 322; 2002, cc. 535, 867; 2003, c. 584; 2005, cc. 259, 828; 2006, cc. 857, 914; 2009, cc. 439, 872; 2016, c. 488; 2020, cc. 544, 829.

§ 46.2-323.01. Issuance of credentials; relationship with federal law

A. The Department shall establish a process for persons who, for reasons beyond their control, are unable to provide all necessary documents required for credentials issued under this chapter and must rely on alternate documents to establish identity or date of birth. Alternative documents to demonstrate legal presence will only be allowed to demonstrate United States citizenship.

B. The Department shall not comply with any federal law or regulation that would require the Department to use any type of computer chip or radio-frequency identification tag or other similar device on or in any credential issued under this chapter.

2009, c. 872; 2021, Sp. Sess. I, c. 544.

§ 46.2-323.1. Certification of Virginia residency; nonresidents not eligible for credentials; penalty

No credential issued under this chapter shall be issued to any person who is not a Virginia resident. Every person applying for a credential issued under this chapter shall execute and furnish to the Commissioner his certificate that he is a resident of Virginia. The Commissioner or his duly authorized agent may require any such applicant to supply, along with his application, such evidence of his Virginia residency as the Commissioner may deem appropriate and adequate, provided that neither an immigration visa nor a signed written statement, whether or not such statement is notarized, wherein the maker of the statement vouches for the Virginia residency of the applicant, shall be acceptable proof of Virginia residency. If the applicant is less than 19 years old and cannot otherwise provide proof of Virginia residency, the Commissioner may accept proof of the applicant's parent's or guardian's Virginia residency. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the parent's certification of residency. It is unlawful for any applicant knowingly to make a false certification of Virginia residency or supply false or fictitious evidence of Virginia residency. Any violation of this section shall be punished as provided in § 46.2-348.

1993, c. 444; 2002, cc. 767, 834; 2021, Sp. Sess. I, c. 544.

§ 46.2-324. Applicants and license holders to notify Department of change of address; fee

A. Whenever any person, after applying for or obtaining a driver's license or special identification card shall move from the address shown in the application or on the license or special identification card, he shall, within 30 days, notify the Department of his change of address. If the Department receives notification from the person or any court or law-enforcement agency that a person's residential address has changed to a non-Virginia address, unless the person (i) is on active duty with the armed forces of the United States, (ii) provides proof that he is a U.S. citizen and resides outside the United States because of his employment or the employment of a spouse or parent, or (iii) provides proof satisfactory to the Commissioner that he is a bona fide resident of Virginia, the Department shall (i) mail, by first-class mail, no later than three days after the notice of address change is received by the Department, notice to the person that his license and/or special identification card will be cancelled by the Department and (ii) cancel the driver's license and/or special identification card 30 days after notice of cancellation has been mailed.

B. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

C. There may be imposed upon anyone failing to notify the Department of his change of address as required by this section a fee of \$5, which fee shall be used to defray the expenses incurred by the Department. Notwithstanding the foregoing provision of this subsection, no fee shall be imposed on any person whose address is obtained from the National Change of Address System.

D. The Department shall electronically transmit change of address information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime

Information Center Convicted Sexual Offender Registry Files, at the time of the change of address. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered, reregistered, or verified his registration information or in the jurisdiction where the person made application for change of address.

E. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

1974, c. 347, § 46.1-368.1; 1989, c. 727; 1996, cc. 943, 994; 2002, cc. 767, 834; 2006, cc. 857, 914; 2010, cc. 25, 55; 2017, c. 670; 2020, c. 829.

§ 46.2-324.1. Requirements for initial licensure of certain applicants

A. No driver's license shall be issued to any applicant unless he either (i) provides written evidence of having satisfactorily completed a course of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education or (ii) has held a learner's permit issued by the Department for at least 60 days prior to his first behind-the-wheel examination by the Department when applying for a noncommercial driver's license.

The provisions of this section shall only apply to persons who are at least 18 years old and who either (a) have never held a driver's license issued by Virginia or any other state or territory of the United States or foreign country or (b) have never been licensed or held the license endorsement or classification required to operate the type of vehicle which they now propose to operate. Completion of a course of driver instruction approved by the Department or the Department of Education at a driver training school may include the final behind-the-wheel examination for a driver's license; however, a driver training school shall not administer the behind-the-wheel examination to any applicant who is under medical control pursuant to § 46.2-322. Applicants completing a course of driver instruction approved by the Department or the Department of Education at a driver training school retain the option of having the behind-the-wheel examination administered by the Department.

B. No commercial driver's license shall be issued to any applicant unless he (i) is 18 years old or older, (ii) has complied with the requirements of subsection A of § 46.2-341.9, (iii) has completed both the theory and the behind-the-wheel portions of the training course within one year from the date instruction was first commenced, and (iv) has completed both the range and the public road portions of the behind-the-wheel curriculum with the same training provider. Applicants for a commercial driver's license who have never before held a commercial driver's license shall apply for a commercial learner's permit and hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

Holders of a commercial driver's license who have never held the license endorsement or classification required to operate the type of commercial motor vehicle which they now propose to operate must (a) complete an entry-level driver training course applicable to the license, classification, or endorsement for the type of commercial motor vehicle they propose to operate and (b) apply for a commercial learner's permit if the upgrade requires a skills test and hold the

permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

C. Nothing in this section shall be construed to prohibit the Department from requiring any person to complete the skills examination as prescribed in § 46.2-325 and the written or automated examinations as prescribed in § 46.2-335.

D. Applicants for a commercial driver's license who have never before held a commercial driver's license who are members of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary and provide written evidence of having satisfactorily completed a military commercial driver training program shall hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license, provided that the program complies with the requirements provided in Article 2 (§ 46.2-1708 et seq.) of Chapter 17, unless such entity is otherwise exempted from such requirements under federal law or regulation.

2000, c. 685;2005, cc. 245, 513;2012, cc. 215, 222;2013, cc. 165, 582;2014, c. 685;2015, c. 258; 2016, c. 488;2019, c. 750.

§ 46.2-325. Examination of applicants; waiver of Department's examination under certain circumstances; behind-the-wheel and knowledge examinations

A. The Department shall examine every applicant for a driver's license before issuing any license to determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without jeopardizing the safety of persons or property and (ii) if any facts exist which would bar the issuance of a license under §§ 46.2-311 through 46.2-316, 46.2-334, or 46.2-335. The examination, however, shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this chapter. No applicant otherwise competent shall be required to demonstrate ability to park any motor vehicle except in an adequate parking space between horizontal markers, and not between flags or sticks simulating parked vehicles. Except as provided for in § 46.2-337, applicants for licensure to drive motor vehicles of the classifications referred to in § 46.2-328 shall submit to examinations which relate to the operation of those vehicles. The motor vehicle to be used by the applicant for the behind-the-wheel examination shall meet the safety and equipment requirements specified in Chapter 10 (§ 46.2-1000 et seq.) and possess a valid inspection sticker as required pursuant to § 46.2-1157. An autocycle shall not be used by the applicant for a behind-the-wheel examination.

Prior to taking the examination, the applicant shall either (a) present evidence that the applicant has completed a state-approved driver education class pursuant to the provisions of § 46.2-324.1 or 46.2-334 or (b) submit to the examiner a behind-the-wheel maneuvers checklist, on a form provided by the Department, that describes the vehicle maneuvers the applicant may be expected to perform while taking the behind-the-wheel examination, that has been signed by a licensed driver, certifying that the applicant has practiced the driving maneuvers contained and described therein, and that has been signed by the applicant certifying that, at all times while holding a learner's permit, the applicant has complied with the provisions of § 46.2-335 while operating a motor vehicle.

Except for applicants subject to § 46.2-312, if the Commissioner is satisfied that an applicant has demonstrated the same proficiency as required by the Department's examination through successful completion of either (1) the driver education course approved by the Department of

Education or (2) a driver training course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.), he may waive those parts of the Department's examination provided for in this section that require the applicant to drive and park a motor vehicle.

B. Any person who fails the behind-the-wheel examination for a driver's license administered by the Department shall wait two days before being permitted to take another such examination. No person who fails the behind-the-wheel examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the driver knowledge examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the classroom component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education or, for (i) persons at least 18 years old or (ii) persons less than 18 years old who have previously completed the classroom component of driver instruction, a course of instruction based on the Virginia Driver's Manual, which may be conducted in a classroom or online, offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. Providers of the Virginia Driver's Manual course online shall ensure that the certificate of completion is issued to the same person who took the course in a manner prescribed by the Department. All persons required to complete the in-vehicle component of driver instruction or the classroom component of driver instruction pursuant to this section shall be required after successful completion of the necessary courses to have the applicable examination administered by the Department.

The provisions of this subsection shall not apply to persons placed under medical control by the Department pursuant to § 46.2-322.

Code 1950, § 46-365; 1954, c. 454; 1958, c. 541, § 46.1-369; 1966, cc. 375, 595; 1968, c. 176; 1976, c. 8; 1984, c. 780; 1989, c. 727; 1995, c. 847; 1997, c. 841; 2007, c. 190; 2008, c. 735; 2012, cc. 215, 222; 2013, c. 272; 2014, cc. 53, 256, 685; 2016, c. 381; 2017, c. 73; 2019, c. 745; 2021, Sp. Sess. I, c. 139.

§ 46.2-326. Designation of examiners; conduct of examination; reports

The Commissioner shall designate persons within the Commonwealth to act for the Department in examining driver's license applicants. Any person so designated shall conduct examinations of driver's license applicants under this title and report his findings and recommendations to the Department.

Code 1950, § 46-366; 1958, c. 541, § 46.1-371; 1984, c. 780; 1989, cc. 705, 727.

§ 46.2-326.1. Designation of commercial driver's license skills testing examiners

A. Notwithstanding the provisions of § 46.2-1702 and unless the Commissioner identifies grounds that would be cause for cancellation of a certification pursuant to subsection D of § 46.2-341.14:5 during the application process, the Department shall certify a licensed Class A driver training school as a third party tester, as defined in § 46.2-341.4, to conduct skills tests if, in addition to the requirements listed in subsections B and C of § 46.2-341.14:1, the school (i) has a program length of 160 hours or more and (ii) maintains a bond in the amount of \$100,000 to pay

for retesting drivers in the event that the third party tester or one or more of its third party examiners, as defined in § 46.2-341.4, are involved in fraudulent activities related to conducting knowledge or skills testing for applicants.

The bond required by this subsection shall be in lieu of the bond required in subdivision C 5 of § 46.2-341.14:1 but in addition to the bond required for a licensed Class A driver training school.

B. Licensed Class A driver training schools meeting the requirements of subsection A may apply to the Department for certification as a third party tester. Such application shall include the information required in the application in § 46.2-341.14:3 and shall include (i) evidence of the requirements listed in subsection A; (ii) an application for an employee who will act as a third party examiner; (iii) evidence that the licensed Class A driver training school has maintained a place of business in the Commonwealth for at least three years and has maintained its licensure in good standing or that the third party examiner has been licensed as an instructor, as defined in § 46.2-1700, at a licensed Class A driver training school for a minimum of two years and has maintained such licensure in good standing; and (iv) a nonrefundable \$150 application fee. Such certification shall be valid for a period of two years.

The first third party tester certification issued to a licensed Class A driver training school shall expire on the same date as such Class A driver training school's license, and the first application fee may be prorated on a monthly basis. Thereafter, the renewal period for the third party tester certification shall match that of the Class A driver training school license.

For the purposes of this subsection, "good standing" means that the instructor has not had sanctions levied against him by the Department for actions related to his role as an instructor or that the driver training school has not had sanctions levied by the Department for actions related to participation in the Class A driver training school program.

C. If the Department fails to certify a licensed Class A driver training school applicant, the Department shall communicate to the applicant its decision and the reason for denial in writing within 60 days of submission of the application.

D. Licensed Class A driver training schools operating as third party testers shall:

1. Remit \$50 per skills test to the Department in accordance with § 46.2-341.13;
2. Submit to the Department the results of each skills test administered in a form prescribed by the Department;
3. Test only individuals receiving instruction and training from that school; and
4. Not require their students to be tested at their driver training school.

E. Individuals intending to act as third party examiners for a licensed Class A driver training school that is operating as a third party tester shall meet the requirements in § 46.2-341.14:2 and submit to the Department an application that includes (i) the information in the application required by § 46.2-341.14:3, (ii) evidence of their employment by a licensed Class A driver training school that is operating as a third party tester, and (iii) a nonrefundable \$75 application fee. Such certification shall be valid for a period of two years.

The first third party examiner certification issued to an individual shall expire on the same date as the third party tester's certification, and the first application fee may be prorated on a monthly

basis. Thereafter, the renewal period for the third party examiner certification shall match that of the third party tester certification.

F. The Department shall have the authority to revoke or cancel the third party tester certification of a licensed Class A driver training school permitted to administer skills tests pursuant to the provisions of this section or any third party examiner employed by such Class A driver training school, effective immediately, for any reason enumerated in § 46.2-341.14:5. A licensed Class A driver training school permitted to administer skills tests pursuant to the provisions of this section or any third party examiner employed by such Class A driver training school shall not administer skills tests if its authority to provide training has been revoked, canceled, or suspended by the Department pursuant to § 46.2-1705 or any other provision of law.

2019, cc. 78, 155;2023, cc. 308, 309.

§ 46.2-327. Copies of applications; record of licenses and learner's permits issued, suspended, or revoked

The Department shall retain a copy of every application for a driver's license or learner's permit. The Department shall index and maintain a record of all licenses and learner's permits issued, suspended, or revoked.

Code 1950, § 46-367; 1958, c. 541, § 46.1-372; 1984, c. 780; 1989, c. 727.

§ 46.2-328. Department to issue licenses; endorsements, classifications, and restrictions authorizing operation of certain vehicles

A. The Department shall issue to every person licensed as a driver a driver's license. Every driver's license shall contain all appropriate endorsements, classifications, and restrictions, where applicable, if the licensee has been licensed:

1. To operate a motorcycle as defined in § 46.2-100;
2. To operate a school bus as defined in § 46.2-100;
3. To operate a commercial motor vehicle pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.); or
4. To operate a passenger car as defined in § 46.2-100.

B. Every applicant intending to operate one or more of the motor vehicles described in subsection A, when applying for a driver's license, shall state in his application the classification of each vehicle that he intends to operate and for which he seeks to be licensed and submit to and pass the examination provided for in § 46.2-325 and, if applicable, §§ 46.2-337 and 46.2-341.14, using the type of each vehicle for which he seeks to be licensed.

C. Every applicant intending to drive a motorcycle, when applying for a classification to authorize the driving of a motorcycle, shall submit to and pass the examination provided for in § 46.2-337. A classification on any license to drive a motorcycle shall indicate that the license is classified for the purpose of authorizing the licensee to drive only motorcycles and shall indicate as applicable a further restriction to a two-wheeled motorcycle only or a three-wheeled motorcycle only. However, if the applicant has a valid license at the time of application for a classification to drive a motorcycle, or if the applicant, at the time of such application, applies for a regular driver's license and submits to and passes the examination provided for in § 46.2-325,

he shall be granted a classification on his license to drive motorcycles based on the applicable restrictions, in addition to any other vehicles his driver's license or commercial driver's license may authorize him to operate.

A valid Virginia driver's license issued to a person 19 years of age or older shall constitute a driver's license with a temporary motorcycle classification for the purposes of driving a motorcycle if the driver's license is accompanied by either (i) documentation verifying his successful completion of a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10 or (ii) documentation that the license holder is a member, the spouse of a member, or a dependent of a member of the United States Armed Services and that the license holder has successfully completed a basic motorcycle rider course approved by the United States Armed Services. The temporary motorcycle classification shall only be valid for 30 days from the date of successful completion of the motorcycle rider safety training course as shown on the documentation evidencing completion of such course. The temporary motorcycle classification shall indicate whether the license holder is authorized to operate any motorcycle or is restricted to either a two-wheeled motorcycle only or a three-wheeled motorcycle only.

Any person who holds a valid Virginia driver's license and is a member, the spouse of a member, or a dependent of a member of the United States Armed Services shall be issued a motorcycle classification by mail upon documentation of (a) successful completion of a basic motorcycle rider course approved by the United States Armed Services and (b) documentation of his assignment outside the Commonwealth.

D. The Department may make any changes in the classifications and endorsements during the validity of the license as may be appropriate.

E. The provisions of this section shall be applicable to persons applying for learner's permits as otherwise provided for in this title.

F. Every person issued a driver's license or commercial driver's license who drives any motor vehicle of the classifications in this section and whose driver's license does not carry an endorsement or indication that the licensee is licensed as provided in this section is guilty of a Class 1 misdemeanor.

Code 1950, § 46-368; 1958, c. 541, § 46.1-373; 1964, c. 239; 1968, c. 642; 1970, c. 696; 1984, cc. 73, 476, 780; 1989, cc. 705, 727; 2000, c. 269; 2007, c. 190; 2009, c. 77; 2013, cc. 673, 783, 789; 2016, c. 368.

§ 46.2-328.1. Licenses, permits, and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance

A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, (iii) a conditional resident alien of the United States, (iv) an approved applicant for asylum in the United States, (v) an entrant into the United States in refugee status, or (vi) a citizen of the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, collectively known as the Freely Associated States.

B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, an applicant who presents in person valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States or an applicant for a REAL ID credential who provides evidence of temporary lawful status in the United States as required pursuant to the REAL ID Act of 2005, as amended, and its implementing regulations may be issued a limited-duration license, permit, or special identification card. Such limited-duration license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. No license, permit, or special identification card shall be issued if an applicant's authorized stay in the United States is less than 30 days from the date of application. Any limited-duration license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is valid for a limited period and shall state the date that it expires. Such a limited-duration license, permit, or special identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the limited-duration license, permit, or special identification has been extended by a federal court or federal agency having jurisdiction over immigration.

C. Any license, permit, or special identification card for which an application has been made for renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the provisions of subsection A, provided that, at the time the application is made, (i) the license, permit, or special identification card has not expired or been cancelled, suspended, or revoked or (ii) the license, permit, or special identification card has been canceled or suspended as a result of the applicant having been placed under medical review by the Department pursuant to § 46.2-322. The requirements of subsection A shall apply, however, to a renewal, duplication, or reissuance if the Department is notified by a local, state, or federal government agency that the individual seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

D. The Department shall cancel any license, permit, or special identification card that it has issued to an individual if it is notified by a federal government agency that the individual is neither a citizen of the United States nor legally present in the United States.

E. For any applicant who presents a document pursuant to this section proving legal presence other than citizenship, the Department shall record and provide to the State Board of Elections monthly the applicant's document number, if any, issued by an agency or court of the United States government.

2003, cc. 817, 819;2005, c. 260;2007, c. 493;2009, c. 872;2010, c. 129;2011, c. 396;2013, c. 686; 2020, cc. 981, 1227, 1246.

§ 46.2-328.2. Department to issue documents; veteran indicator

A. For the purposes of this section, "veteran" means (i) a Virginia resident who has served in the active military, naval, or air service and whose final discharge or release therefrom was under honorable conditions or (ii) a Virginia resident who has served honorably for greater than 180 days in the Virginia National Guard or the United States Armed Forces Reserves.

B. In cooperation with the Department of Veterans Services and the Department of Military Affairs, the Department shall issue driver's licenses, permits, and identification cards displaying

an indicator that the holder is a veteran to applicants who request such indicator and provide proof of such veteran status.

C. The Department shall charge the same fee for any document issued pursuant to this section as is charged for the same document issued without the veteran indicator. No additional fee shall be charged for the veteran indicator.

D. Any veteran's indicator placed on documentation issued pursuant to this section shall not be used for determination of any federal benefit.

2018, c. [440](#).

§ 46.2-328.3. Driver privilege cards and permits

A. Upon application of any person who does not meet the requirements for a driver's license or permit under subsection A or B of § [46.2-328.1](#), the Department may issue to the applicant a driver privilege card or permit if the Department determines that the applicant (i) has reported income and deductions from Virginia sources, as defined in § [58.1-302](#), or been claimed as a dependent, on an individual income tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements set forth in Article 8 (§ [46.2-705](#) et seq.) of Chapter 6.

B. Driver privilege cards and permits shall confer the same privileges and shall be subject to the same provisions of this title as driver's licenses and permits issued under this chapter, unless otherwise provided, and shall be subject to the following conditions and exceptions:

1. The front of a driver privilege card or permit shall be identical in appearance to a driver's license or permit that is not a REAL ID credential and the back of the card or permit shall be identical in appearance to the restriction on the back of a limited-duration license, permit, or special identification card;
2. An applicant for a driver privilege card or permit shall not be eligible for a waiver of any part of the driver examination provided under § [46.2-325](#);
3. An applicant for a driver privilege card or permit shall not be required to present proof of legal presence in the United States;
4. A driver privilege card or permit shall expire on the applicant's second birthday following the date of issuance;
5. The fee for an original driver privilege card or permit shall be \$50. The Department may issue, upon application by the holder of a valid, unexpired card or permit issued under this section, and upon payment of a fee of \$50, another driver privilege card or permit that shall be valid for a period of two years from the date of issuance. The amount paid by an applicant for a driver privilege card or other document issued pursuant to this chapter shall be considered privileged information for the purposes of § [46.2-208](#). No applicant shall be required to provide proof of compliance with clauses (i) and (ii) of subsection A for a reissued, renewed, or duplicate card or permit; and
6. Any information collected pursuant to this section that is not otherwise collected by the Department or required for the issuance of any other driving credential issued pursuant to the provisions of this chapter and any information regarding restrictions in the Department's records related to the issuance of a credential issued pursuant to this section shall be considered

privileged. Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order.

C. The Department shall not release the following information relating to the issuance of a driver privilege card or permit, except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driver privilege card or permit, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications.

The Department shall release only to any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of any of the foregoing, information related to the issuance of a driver privilege card or permit, the release of which is not otherwise prohibited by this section, that is required for a requester to carry out the requester's official functions if the requester provides the individual's name and other sufficient identifying information contained on the individual's record. Any such release shall be in accordance with the requirements of § 46.2-208.

2020, cc. 1227, 1246; 2021, Sp. Sess. I, c. 421.

§ 46.2-329. Special restrictions on particular licensees

The Department, on issuing a driver's license may, whenever good cause appears, impose restrictions suitable to the licensee's driving ability with respect to the type of, or special mechanical control devices required on, a motor vehicle which the licensee may drive, or any other restrictions applicable to the licensee as the Department may determine. When it appears from the records of the Department that the licensee has failed or refused to comply with the restrictions imposed on the licensee's driving of a motor vehicle, the Department may, after 10 days' written notice to the address indicated in the records of the Department, suspend the person's driver's license and the suspension shall remain in effect until this section has been complied with.

Any person issued a driver's license on which there are printed or stamped restrictions as provided by this section, and who drives a motor vehicle in violation of these restrictions shall be guilty of a Class 2 misdemeanor.

Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of this section but is guilty of a violation of § 18.2-272.

Code 1950, § 46-373; 1958, c. 541, § 46.1-378; 1960, c. 177; 1962, c. 368; 1984, c. 780; 1989, c. 727; 2004, c. 948.

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

A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years or less than five years, unless otherwise provided by law. Thereafter the

driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the license was not issued as a limited-duration driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five.

B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall send notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date. The license holder may request the Department to send such renewal notice to an email or other electronic address, upon provision of such address to the Department.

Any driver's license may be renewed by application after the applicant has taken and successfully completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license shall take and successfully complete the examination each renewal year. Every applicant for a renewal shall appear in person before the Department, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice. Applicants who are required to appear in person before the Department to apply for a renewal may also be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license that is not a commercial driver's license and the requirement for the taking of the written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

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

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

F. 1. The Department shall electronically transmit application information, including a photograph, to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered, reregistered, or verified his registration information or in the jurisdiction where the person made application for licensure. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth, and his social security number as set out in § 9.1-903.

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

1968, c. 642, § 46.1-380.1; 1975, c. 24; 1976, c. 48; 1984, c. 780; 1989, cc. 705, 727; 1993, cc. 471, 501; 1997, c. 486; 2001, cc. 659, 665; 2003, c. 333; 2004, cc. 112, 218, 975; 2005, c. 302; 2006, cc. 857, 914; 2008, cc. 487, 866; 2009, c. 872; 2011, cc. 57, 70; 2012, cc. 215, 222; 2014, c. 282; 2016, c. 368; 2018, c. 300; 2020, cc. 829, 1227, 1246.

§ 46.2-331. Repealed

Repealed by Acts 2004, c. 975.

§ 46.2-332. Fees

A. The fee for each driver's license other than a commercial driver's license shall be \$2.40 per year. This fee shall not apply to driver privilege cards or permits issued under § 46.2-328.3. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be \$6 per year. For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

B. An applicant who is younger than 18 years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in 15 days.

C. A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

D. If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

E. No additional fee above \$2.40 per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

F. One dollar and 50 cents of all fees collected for each original or renewal driver's license, other than a driver privilege card issued under § 46.2-328.3, shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

G. All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

H. This section shall supersede conflicting provisions of this chapter.

1968, c. 642, § 46.1-380.2; 1970, cc. 35, 548, 696; 1972, c. 490; 1973, c. 396; 1974, c. 212; 1976, c. 48; 1980, c. 559; 1984, c. 780; 1989, cc. 705, 727; 1993, c. 70; 1996, cc. 943, 994; 1997, cc. 104, 493; 1999, c. 593; 2007, cc. 190, 223; 2011, cc. 57, 70; 2017, c. 547; 2020, cc. 1227, 1230, 1246, 1275; 2022, cc. 139, 292.

§ 46.2-333. Disposition of fees; expenses

Except as otherwise provided in this chapter, all fees accruing under the provisions of this chapter shall be paid to, and received by the Commissioner, and by him forthwith paid into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

Code 1950, § 46-346; 1958, c. 541, § 46.1-381; 1987, c. 696; 1989, c. 727.

§ 46.2-333.1. Surcharges on certain fees of Department; disposition of proceeds

Notwithstanding any contrary provision of this chapter, there are hereby imposed, in addition to other fees imposed by this chapter, the following surcharges in the following amounts:

1. For the issuance of any driver's license other than a commercial driver's license, or a driver privilege card issued under § 46.2-328.3, \$1.60 per year of validity of the license;
2. For the issuance of any commercial driver's license, \$1 per year of validity of the license;
3. For the reissuance or replacement of any driver's license, \$5; and
4. For the reinstatement of any driver's license, \$15.

All surcharges collected by the Department under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to support the operation and activities of the Department's customer service centers.

2003, c. [1042](#), cl. [9](#); 2017, c. [122](#); 2020, cc. [1227](#), [1246](#).

Article 5. Licensure of Minors, Student Drivers, School Bus Drivers, and Motorcyclists

§ 46.2-334. Conditions and requirements for licensure of persons under 18

A. Minors at least 16 years and three months old may be issued driver's licenses under the following conditions:

1. The minor shall submit a proper application and satisfactory evidence that he (i) is a resident of the Commonwealth; (ii) has successfully completed a driver education course approved by either the State Department of Education or, in the case of a course offered by a driver training school licensed under Chapter 17 (§ [46.2-1700](#) et seq.) of this title, by the Department of Motor Vehicles; and (iii) is mentally, physically, and otherwise qualified to drive a motor vehicle safely.
2. The minor's application for a driver's license must be signed by a parent of the applicant, otherwise by the guardian having custody of him. However, in the event a minor has no parent or guardian, then a driver's license shall not be issued to him unless his application is signed by the judge of the juvenile and domestic relations district court of the city or county in which he resides. If the minor making the application is married or otherwise emancipated, in lieu of any parent's, guardian's or judge's signature, the minor may present proper evidence of the solemnization of the marriage or the order of emancipation.
3. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations district court or found by such court to be a child in need of supervision, as defined in § [16.1-228](#). If it appears that the minor has been adjudged not innocent of the offense alleged or has been found to be a child in need of supervision, the Department shall not issue a license without the written approval of the judge of the juvenile and domestic relations district court making an adjudication as to the minor or the like approval of a similar court of the county or city in which the parent or guardian, respectively, of the minor resides.
4. The application for a permanent driver's license by a minor of the age of persons required to attend school pursuant to § [22.1-254](#) shall be accompanied by evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ [22.1-254](#) et seq.) of Chapter 14 of Title 22.1. This evidence shall be provided in writing by the minor's parent. If the minor is unable to provide such evidence, he shall not be granted a driver's license until he reaches the age of 18 or presents proper evidence of the solemnization of his marriage or an order of emancipation, or the parent, as defined in § [22.1-1](#), or other person standing in loco parentis has provided written authorization for the minor to obtain a driver's license.

A minor may, however, present a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § [22.1-253.13:4](#) as evidence of compulsory school attendance compliance.

5. The minor applicant shall certify in writing, on a form prescribed by the Commissioner, that he is a resident of the Commonwealth. The applicant's parent or guardian shall also certify that the

applicant is a resident by signing the certification. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the parent's certification of residence.

B. Any custodial parent or guardian of an unmarried or unemancipated minor may, after the issuance of a permanent driver's license to such minor, file with the Department a written request that the license of the minor be canceled. When such request is filed, the Department shall cancel the license of the minor and the license shall not thereafter be reissued by the Department until a period of six months has elapsed from the date of cancellation or the minor reaches his eighteenth birthday, whichever shall occur sooner. Notwithstanding the foregoing provisions of this subsection, in the case of a minor whose parents have been awarded joint legal custody, a request that the license of the minor be cancelled must be signed by both legal custodians. In the event one parent is not reasonably available or the parents do not agree, one parent may petition the juvenile and domestic relations district court to make a determination that the license of the minor be cancelled.

C. The provisions of subsection A of this section requiring that an application for a driver's license be signed by the parent or guardian shall be waived by the Commissioner if the application is accompanied by proper evidence of the solemnization of the minor's marriage or a certified copy of a court order, issued under the provisions of Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, declaring the applicant to be an emancipated minor.

D. A learner's permit accompanied by documentation verifying the minor's successful completion of an approved driver education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for purposes of driving unaccompanied by a licensed driver as required in § 46.2-335, if all other requirements of this chapter have been met. The temporary license shall only be valid until the permanent license is presented as provided in § 46.2-336.

E. Notwithstanding the provisions of subsection A requiring the successful completion of a driver education course approved by the State Department of Education, the Commissioner, on application therefor by a person at least 16 years and three months old but less than 18 years old, shall issue to the applicant a temporary driver's license valid for six months if he (i) certifies by signing, together with his parent or guardian, if applicable, on a form prescribed by the Commissioner that he is a resident of the Commonwealth; (ii) is the holder of a valid driver's license from another U.S. state, U.S. territory, Canadian province, or Canadian territory; and (iii) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle. No temporary license issued under this subsection shall be renewed, nor shall any second or subsequent temporary license under this subsection be issued to the same applicant. Any such minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to obtain the signature of his parent or guardian for the temporary driver's license.

In order to obtain a permanent driver's license, applicants who transfer to Virginia from another U.S. state or any U.S. territory, Canadian province, or Canadian territory must have documentation of at least 30 hours of classroom instruction and six hours of in-car instruction from a government-approved program in the other U.S. state, U.S. territory, or Canadian province or Canadian territory. If a transfer applicant successfully completes a government-approved classroom and in-car driver education program from another state or any U.S. territory, Canadian province, or Canadian territory, the applicant must present the certificate of

completion, specifying the number of instructional hours, to the Department.

F. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license pursuant to § [46.2-335](#).

G. Driver's licenses shall be issued by the Department to students successfully completing driver education courses approved by the Department of Education (i) when the Department receives from the school proper certification that the student (a) has successfully completed such course, including a road skills examination and (b) is regularly attending school and is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a driver's license, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors; and (ii) upon payment of a fee of \$2.40 per year, based on the period of the license's validity. For applicants attending public schools, good academic standing may be certified by the public school principal or any of his designees. For applicants attending nonpublic schools, such certification shall be made by the private school principal or any of his designees; for students receiving home schooling, such certification shall be made by the home schooling parent or tutor. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a driver's license.

H. For those home schooled students completing driver education courses approved by the Board of Education and instructed by his own parent or guardian, no driver's license shall be issued until the student has successfully completed the driver's license examination administered by the Department. Furthermore, the Commissioner shall not issue a driver's license for those home schooled students completing driver education courses approved by the Board of Education and instructed by his own parent or guardian if it is determined by the Commissioner that, at the time of such instruction, such parent or guardian had accumulated six or more driver demerit points in the most recently preceding 12 months, had been convicted within the most recent 11 preceding years of driving while intoxicated in violation of § [18.2-266](#) or a substantially similar law in another state, or had ever been convicted of voluntary or involuntary manslaughter in violation of § [18.2-35](#) or [18.2-36](#) or a substantially similar law in another state.

I. The Commissioner, on application therefor by a person from another U.S. state or any U.S. territory, Canadian province, or Canadian territory who is at least 16 years and three months old but less than 18 years old, shall issue a Virginia driver's license to the applicant if the applicant (i) certifies by signing, together with his parent or guardian, if applicable, on a form prescribed by the Commissioner that he is now a resident of the Commonwealth; (ii) has completed a government-approved classroom and in-car driver education program from another U.S. state or any U.S. territory, Canadian province, or Canadian territory, which shall not be required to meet the 30 hours of classroom instruction and six hours of in-car instruction requirement in subsection E; (iii) is the holder of a valid driver's license from another U.S. state or any U.S. territory, Canadian province, or Canadian territory; (iv) has held the valid driver's license for the 12 months immediately prior to applying for a Virginia license; (v) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle; and (vi)

successfully completes behind-the-wheel and driver knowledge examinations administered by the Department.

The applicant must present the certificate of completion specifying the number of classroom and in-car driver education program instructional hours for the government-approved classroom and in-car driver education program from another U.S. state or any U.S. territory, Canadian province, or Canadian territory to the Department.

Code 1950, §§ 46-353, 46-361, 46-363, 46-364; 1950, p. 249; 1952, c. 396; 1954, c. 123; 1956, c. 665; 1958, c. 541, § 46.1-357; 1960, cc. 110, 424; 1962, cc. 254, 482; 1964, c. 617; 1966, c. 36; 1968, c. 642; 1970, c. 41; 1972, c. 823; 1973, c. 1; 1974, cc. 223, 542; 1976, c. 8; 1977, cc. 548, 552; 1980, c. 165; 1982, c. 287; 1984, c. 780; 1987, cc. 154, 632; 1989, cc. 392, 705, 727; 1991, c. 214; 1993, cc. 471, 501; 1995, c. 535; 1996, cc. 943, 994, 1011, 1022; 1997, c. 841; 1999, cc. 459, 462, 887; 2001, cc. 659, 665, 851; 2003, c. 951; 2014, cc. 286, 685; 2016, c. 488.

§ 46.2-334.001. Court to suspend driver's license issued to certain minors

A. Upon receipt by the juvenile and domestic relations district court within whose jurisdiction the minor resides of a petition from the principal, or his designee, of any public school in the Commonwealth that any person who is less than 18 years old and attending that public school has had 10 or more unexcused absences from school on consecutive school days, the court shall give notice and opportunity for the minor to show cause why his driver's license should not be suspended. Upon failure to show cause for the license not to be suspended, the court may suspend the minor's driver's license for any period of time, until the minor is 18 years old.

B. The foregoing provisions of this section shall not apply in cases where the student has withdrawn from school for a reason or reasons beyond the control of the student, for the purpose of transferring to another school as confirmed in writing by the student's parent or guardian, or when the student's parent or guardian expresses in open court his desire to allow the student to retain his license. The juvenile and domestic relations district court judge shall be the sole authority as to whether the licensee's withdrawal from school is due to circumstances beyond the control of the student.

C. Any person whose driver's license is suspended as provided in this section may apply to a juvenile and domestic relations district court for issuance of a restricted driver's license for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license shall be issued pursuant to this section unless the licensee (i) is employed at least four hours per day and at least 20 hours per week, (ii) has a medical condition that requires him to be able to drive a motor vehicle, or (iii) is the only licensee in his household. The court shall order the surrender of such person's license and shall forward to the Commissioner a copy of its order entered pursuant to this subsection. This order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a restricted license is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to such person, who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted driver's license, but only if the order provides for a restricted driver's license for that period. Any person who operates a motor vehicle in violation of any restriction imposed pursuant to this section shall be guilty of a violation of § 46.2-301.

2009, c. 439.

§ 46.2-334.01. Licenses issued to persons less than 18 years old subject to certain restrictions

A. Any learner's permit or driver's license issued to any person less than 18 years old shall be subject to the following:

1. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less than 19 years old shows that he has been convicted of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall direct such person to attend a driver improvement clinic. No safe driving points shall be awarded for such clinic attendance, nor shall any safe driving points be awarded for voluntary or court-assigned clinic attendance. Such person's parent, guardian, legal custodian, or other person standing in loco parentis may attend such clinic and receive a reduction in demerit points and/or an award of safe driving points pursuant to § 46.2-498. The provisions of this subdivision shall not be construed to prohibit awarding of safe driving points to a person less than 18 years old who attends and successfully completes a driver improvement clinic without having been directed to do so by the Commissioner or required to do so by a court.

2. If any person less than 19 years old is convicted a second time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall suspend such person's driver's license or privilege to operate a motor vehicle for 90 days. Such suspension shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial. Any person who has had his driver's license or privilege to operate a motor vehicle suspended in accordance with this subdivision may petition the juvenile and domestic relations district court of his residence for a restricted license to authorize such person to drive a motor vehicle in the Commonwealth to and from his home, his place of employment, or an institution of higher education where he is enrolled, provided there is no other means of transportation by which such person may travel between his home and his place of employment or the institution of higher education where he is enrolled. On such petition the court may, in its discretion, authorize the issuance of a restricted license for a period not to exceed the term of the suspension of the person's license or privilege to operate a motor vehicle in the Commonwealth. Such restricted license shall be valid solely for operation of a motor vehicle between such person's home and his place of employment or the institution of higher education where he is enrolled.

3. If any person is convicted a third time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall revoke such person's driver's license or privilege to operate a motor vehicle for one year or until such person reaches the age of 18 years, whichever is longer. Such revocation shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial.

4. In no event shall any person subject to the provisions of this section be subject to the suspension or revocation provisions of subdivision 2 or 3 for multiple convictions arising out of the same transaction or occurrence.

B. The initial license issued to any person younger than 18 years of age shall be deemed a provisional driver's license. Until the holder is 18 years old, a provisional driver's license shall not

authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old. After the first year the provisional license is issued, the holder may operate a motor vehicle with up to three passengers who are less than 21 years old (i) when the holder is driving to or from a school-sponsored activity, (ii) when a licensed driver who is at least 21 years old is occupying the seat beside the driver, or (iii) in cases of emergency. These passenger limitations, however, shall not apply to members of the driver's family or household. For the purposes of this subsection, "a member of the driver's family or household" means any of the following: (a) the driver's spouse, children, stepchildren, brothers, sisters, half-brothers, half-sisters, first cousins, and any individual who has a child in common with the driver, whether or not they reside in the same home with the driver; (b) the driver's brothers-in-law and sisters-in-law who reside in the same home with the driver; and (c) any individual who cohabits with the driver, and any children of such individual residing in the same home with the driver.

C. The holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth between the hours of midnight and 4:00 a.m. except when driving (i) to or from a place of business where he is employed; (ii) 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; (iii) accompanied by a parent, a person acting in loco parentis, or by a spouse who is 18 years old or older, provided that such person accompanying the driver is actually occupying a seat beside the driver and is lawfully permitted to operate a motor vehicle at the time; or (iv) in cases of emergency, including response by volunteer firefighters and volunteer emergency medical services personnel to emergency calls.

D. The provisional driver's license restrictions in subsections B and C shall expire on the holder's eighteenth birthday. A violation of the provisional driver's license restrictions in subsection B or C shall constitute a traffic infraction. For a second or subsequent violation of the provisional driver's license restrictions in subsection B or C, in addition to any other penalties that may be imposed pursuant to § 16.1-278.10, the court may suspend the juvenile's privilege to drive for a period not to exceed six months.

E. A violation of subsection B or C shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

F. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

1998, cc. 124, 792;2001, cc. 655, 659, 665;2002, cc. 61, 807;2003, cc. 308, 323, 771;2007, c. 777; 2009, c. 54;2013, cc. 397, 579;2015, cc. 502, 503;2016, c. 488;2020, Sp. Sess. I, cc. 45, 51;2021, Sp. Sess. I, cc. 132, 381.

§ 46.2-334.02. Licenses issued to persons less than twenty years old subject to certain restrictions Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person who is at least eighteen years old but less than twenty years old shows that he has been convicted of (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) of this chapter or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or

Article 13 (§ [46.2-1095](#) et seq.) of Chapter 10 of this title, the Commissioner shall direct such person to attend a driver improvement clinic.

2001, cc. [659](#), [665](#).

§ 46.2-334.1. Knowledge test; waiting period prior to reexamination

Any person under the age of eighteen who applies for a driver's license under § [46.2-334](#) and fails the motor vehicle knowledge test administered pursuant to that section shall not be eligible for retesting for at least fifteen days.

1996, c. [1035](#).

§ 46.2-335. Learner's permits; fees; certification required

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ [22.1-254](#) et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § [46.2-324.1](#), to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his

driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the Department. This passenger limitation, however, shall not apply to the members of the driver's family or household as defined in subsection B of § 46.2-334.01.

D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and four o'clock a.m.

E. A violation of subsection C or D shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

F. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits issued under this section.

G. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license.

H. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits, other than permits issued under § 46.2-328.3, shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It is unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has

successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

I. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

J. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.
2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.
3. No person other than the operator shall occupy the motorcycle.

K. Any violation of this section is punishable as a Class 2 misdemeanor.

Code 1950, §§ 46-353, 46-361, 46-363, 46-364; 1950, p. 249; 1952, c. 396; 1954, c. 123; 1956, c. 665; 1958, c. 541, § 46.1-357; 1960, cc. 110, 424; 1962, cc. 254, 482; 1964, c. 617; 1966, c. 36; 1968, c. 642; 1970, c. 41; 1972, c. 823; 1973, c. 1; 1974, cc. 223, 542; 1976, c. 8; 1977, cc. 548, 552; 1980, c. 165; 1982, c. 287; 1984, c. 780; 1987, cc. 154, 632; 1989, cc. 392, 705, 727; 1993, cc. 471, 501; 1995, cc. 254, 337, 535, 847; 1996, cc. 892, 894, 918, 943, 994, 1011, 1022, 1035; 1997, c. 841; 1998, c. 322; 1999, cc. 459, 462; 2000, c. 686; 2001, cc. 659, 665; 2004, cc. 733, 805; 2008, cc. 493, 735; 2010, cc. 541, 593; 2012, cc. 215, 222; 2016, c. 488; 2020, cc. 1227, 1246; 2020, Sp. Sess. I, cc. 45, 51; 2021, Sp. Sess. I, c. 381.

§ 46.2-335.1. Knowledge test; waiting period prior to reexamination

Any person under the age of eighteen who applies for a learner's permit under § 46.2-335 and fails the motor vehicle knowledge test administered pursuant to that section shall not be eligible for retesting for at least fifteen days.

1996, c. 1035.

§ 46.2-335.2. Learner's permits; required before driver's license; minimum holding period

A. No person under the age of 18 years shall be eligible to receive a driver's license pursuant to § 46.2-334 unless the Department has previously issued such person a learner's permit pursuant to § 46.2-335 and such person has satisfied the minimum holding period requirements set forth in subsection B, or unless such person is the holder of a valid driver's license from another state and qualifies for a temporary license under subsection E of § 46.2-334.

B. Any person under the age of 18 years issued a learner's permit pursuant to § 46.2-335 shall hold such permit for a minimum period of nine months or until he reaches the age of 18 years, whichever occurs first.

1996, c. 1035; 2001, cc. 659, 665; 2002, c. 535; 2016, c. 488.

§ 46.2-336. Manner of issuing original driver's licenses to minors

A. Except as provided in subsection B, the Department shall forward all original driver's licenses issued to persons under the age of 18 years to the judge of the juvenile and domestic relations court in the city or county in which the licensee resides. The judge or a substitute judge shall issue to each person to be licensed the license so forwarded, and shall, at the time of issuance, conduct a formal, appropriate ceremony, in which he shall illustrate to the licensee the responsibility attendant on the privilege of driving a motor vehicle. The attorney for the Commonwealth who serves the jurisdiction in which the ceremony is to be conducted may request in writing in advance of such ceremony an opportunity to participate in the ceremony. Any judge who presides over such ceremony shall, upon request, afford the attorney for the Commonwealth the opportunity to participate in such ceremony and to address the prospective licensees and the persons enumerated below who may be accompanying the prospective licensees as to matters of enforcement, prosecutions, applicable punishments, and the responsibility of drivers generally. If the licensee is under the age of 18 years at the time his ceremony is held, he shall be accompanied at the ceremony by a parent, his guardian, spouse, or other person in loco parentis. However, the judge, for good cause shown, may mail or otherwise deliver the driver's license to any person who is a student at any educational institution outside of the Commonwealth at the time such license is received by the judge as prescribed in this section.

B. The chief juvenile and domestic relations district court judge may waive the ceremonial requirements of subsection A for each juvenile and domestic relations district court within the district or order that each juvenile and domestic relations district court within the district conduct such ceremony in an alternative manner. In courts where the ceremony has been waived, the Department shall mail or otherwise deliver the driver's licenses directly to licensees.

C. The provisions of this section shall not apply to the issuance of Virginia driver's licenses to persons who hold valid driver's licenses issued by other states.

1962, c. 261, § 46.1-375.1; 1964, c. 185; 1984, c. 780; 1989, c. 727; 1993, c. 53; 1998, c. 472; 2012, cc. 30, 100; 2014, c. 352; 2022, cc. 55, 636.

§ 46.2-337. Examination and road test required for license to operate motorcycle; regulations

No person shall drive any motorcycle on a highway in the Commonwealth unless he has passed a special examination, including written material and a road test, pertaining to his ability to drive a motorcycle with reasonable competence and with safety to other persons using the highways. The Department may adopt regulations as may be necessary to provide for the special examination under § 46.2-325 of persons desiring to qualify to drive motorcycles in the Commonwealth and for the granting of licenses or permits suitably endorsed for qualified applicants. The road test for two-wheeled motorcycles and the road test for three-wheeled motorcycles shall be separate and distinct examinations emphasizing the skills and maneuvers necessary to operate each type of motorcycle.

No person applying for a classification to authorize the driving of a motorcycle who fails the road test portion of the special examination two times shall be eligible for such classification until he successfully completes a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10.

If the Commissioner is satisfied that a person intending to operate a motorcycle has demonstrated the same proficiency as required by the special examination through successful completion of a motorcycle rider safety training course offered by a provider licensed under

Article 23 (§ [46.2-1188](#) et seq.) of Chapter 10, he may waive the written material or road test portion or both portions of the special examination. The Commissioner may also waive the written material or road test portion or both portions of the special examination if the person intending to operate a motorcycle holds a valid Virginia driver's license and is a member, the spouse of a member, or a dependent of a member of the United States Armed Services, and the license holder has successfully completed a basic motorcycle rider course approved by the United States Armed Services.

1968, c. 642, § 46.1-370.1; 1989, c. 727; 2007, c. [190](#); 2013, cc. [673](#), [783](#), [789](#).

§ 46.2-338. Repealed

Repealed by Acts 1989, c. 705.

§ 46.2-339. Qualifications of school bus operators; training; examination

A. No person shall operate any school bus on a highway in the Commonwealth unless he has had a reasonable amount of experience in operating motor vehicles and has passed a special examination pertaining to his ability to operate a school bus with safety to its passengers and to other persons using the highways. Such person shall obtain a commercial driver's license with the applicable classifications and endorsements, issued pursuant to the Virginia Commercial Driver's License Act (§ [46.2-341.1](#) et seq.), if the school bus he operates is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act. For the purpose of preparing for the examination required by this section, any person holding a valid commercial driver's license or instruction permit issued under the provisions of the Virginia Commercial Driver's License Act may operate, under the direct supervision of a person holding a valid commercial driver's license with a school bus endorsement, a school bus that is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act and that contains no pupil passengers.

B. The Department may adopt regulations necessary to provide for the examination of persons desiring to qualify to operate school buses in the Commonwealth and for the granting of permits to qualified applicants.

C. Notwithstanding the provisions of this section, no person shall operate any school bus on a highway in the Commonwealth during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ [9.1-900](#) et seq.) of Title 9.1.

Code 1950, § 22-278; 1958, c. 541, § 46.1-370; 1978, c. 263; 1984, c. 780; 1989, cc. 705, 727; 2011, c. [477](#); 2018, cc. [203](#), [389](#).

§ 46.2-340. Information concerning school bus drivers and driver education instructors

A. At the beginning of each school year, and whenever changes need to be made, each local school division shall furnish to the Department of Motor Vehicles the name, driver's license number, and commercial driver's license number of all persons driving school buses for that school division. Whenever any commercial driver's license with a school bus driver's endorsement is suspended or revoked, or the holder of a driver's license with a school bus driver's endorsement or commercial driver's license with a school bus driver's endorsement is convicted in any court of reckless driving or driving while intoxicated, the Department shall notify the affected local school division of the name and driver's license number or commercial driver's license number of the driver involved.

B. At the beginning of each school year, and whenever changes need to be made, each local school division and private school providing a driver education program approved by the Department of Education shall furnish to the Department of Motor Vehicles the name and driver's license number of all persons providing instruction in driver education for that school division or private school. Whenever a driver's license of a person providing such instruction is suspended or revoked, or such person is convicted in any court of reckless driving or driving while intoxicated, the Department shall notify the affected local school division or private school of the name and driver's license number of the driver involved.

If the driving record of such driver education instructor accumulates more than six demerit points based on convictions occurring in any calendar year, the Department shall notify the relevant local school division or private school of the name and driver's license number of the driver. Safe driving points shall not be used to reduce the six demerit points. No driver education program in a public school division or a private school shall retain its approval by the Department of Education unless such a person who has accumulated such six demerit points is removed from providing behind-the-wheel driver education instruction in the private school or public school division for a period of twenty-four months.

C. The provisions of the Government Data Collection and Dissemination Practices Act (Chapter 38 of Title 2.2, § [2.2-3800](#) et seq.) shall not apply to the exchange of information under this section.

1986, c. 287, § 46.1-370.01; 1989, c. 727; 1993, c. 52; 1999, c. [463](#).

Article 6.1. Commercial Driver's Licenses

§ 46.2-341.1. Title

This Act may be cited as the "Virginia Commercial Driver's License Act."

1989, c. 705, § 46.1-372.1.

§ 46.2-341.2. Repealed

Repealed by Acts 2020, c. [788](#), cl. 1.

§ 46.2-341.3. Conflicts; supplement to driver licensing statutes

This article is intended to supplement, not supplant, the laws of the Commonwealth relating to drivers, driver licensing, vehicles and vehicle operations, which laws shall continue to apply to persons required to be licensed pursuant to this article, unless the context clearly indicates otherwise. To the extent that any provisions of this article conflict with such other laws of the Commonwealth, the provisions of this article shall prevail. Where this article is silent, such other laws shall apply.

Notwithstanding the provisions of § [46.2-1300](#), the governing bodies of counties, cities or towns shall not be authorized to adopt ordinances that are substantially similar to the provisions of this article.

1989, c. 705, § 46.1-372.3.

§ 46.2-341.4. Definitions

As used in this article, unless the context requires a different meaning:

"Air brake" means any braking system operating fully or partially on the air brake principle.

"Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or to obtain or renew a commercial learner's permit.

"Automatic transmission" means, for the purposes of the skills test and the restriction, any transmission other than a manual transmission.

"CDLIS driver record" means the electronic record of the individual commercial driver's status and history stored by the State of Record as part of the Commercial Driver's License Information System (CDLIS).

"Commercial driver's license" means any driver's license issued to a person in accordance with the provisions of this article, or if the license is issued by another state, any license issued to a person in accordance with the federal Commercial Motor Vehicle Safety Act, which authorizes such person to drive a commercial motor vehicle of the class and type and with the restrictions indicated on the license.

"Commercial driver's license information system" or "CDLIS" means the commercial driver's license information system established by the Federal Motor Carrier Safety Administration pursuant to § 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial learner's permit" means a permit issued to an individual in accordance with the provisions of this article or, if issued by another state, a permit issued in accordance with the standards contained in the Federal Motor Carrier Safety Regulations, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid.

"Commercial motor vehicle" means, except for those vehicles specifically excluded in this definition, every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which either: (i) has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds, whichever is greater; (ii) has a gross combination weight or a gross combination weight rating of 26,001 or more pounds, whichever is greater, inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity.

The following are excluded from the definition of commercial motor vehicle:

1. Any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities;
2. Any vehicle that (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and that is used exclusively for farm use, as provided in §§ [46.2-649.3](#) and [46.2-698](#); (ii) is used to transport either agricultural products, farm machinery, or farm supplies to or from a farm; (iii) is not used in the operation of a common or contract motor carrier; and (iv) is used

within 150 miles of the farmer's farm;

3. Any vehicle operated for military purposes by (i) active duty military personnel; (ii) members of the military reserves; (iii) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians; and (iv) active duty U.S. Coast Guard personnel; or

4. Emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

"Commercial Motor Vehicle Safety Act" means the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of P.L. 99-570, as amended.

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bond, bail, or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs in lieu of trial, a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated, or, for the purposes of alcohol or drug-related offenses involving the operation of a motor vehicle, a civil or an administrative determination of a violation. For the purposes of this definition, an administrative determination includes an unvacated certification or finding by an administrative or authorized law-enforcement official that a person has violated a provision of law.

"Disqualification" means a prohibition against driving, operating, or being in physical control of a commercial motor vehicle for a specified period of time, imposed by a court or a magistrate, or by an authorized administrative or law-enforcement official or body.

"Domicile" means a person's true, fixed, and permanent home and principal residence, to which he intends to return whenever he is absent.

"Employee" means a payroll employee or person employed under lease or contract, or a person who has applied for employment and whose employment is contingent upon obtaining a commercial driver's license.

"Employer" means a person who owns or leases commercial motor vehicles and assigns employees to drive such vehicles.

"Endorsement" means an authorization to an individual's commercial driver's license or commercial learner's permit required to permit the individual to operate certain types of commercial motor vehicles.

"Entry-level driver" means an individual who (i) must complete the commercial driver's license skills test requirements under FMCSA regulations prior to receiving a commercial driver's license for the first time, (ii) is upgrading to a Class A or Class B commercial driver's license for the first time, or (iii) is obtaining a hazardous materials, passenger, or school bus endorsement for the first time. This definition does not include individuals exempt from such requirements under 49 C.F.R. § 380.603.

"Entry-level driver training" means training an entry-level driver receives from an entity listed on the FMCSA's Training Provider Registry, as provided for in 49 C.F.R. § 380.700 et seq., prior to

taking the (i) commercial driver's license skills test required to (a) receive a commercial driver's license for the first time, (b) receive the Class A or Class B commercial driver's license for the first time, (c) upgrade to a Class A or B commercial driver's license for the first time, or (d) obtain a passenger or school bus endorsement for the first time or (ii) commercial driver's license knowledge test required to obtain a hazardous materials endorsement for the first time.

"FMCSA" means the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation.

"Full air brake" means any braking system operating fully on the air brake principle.

"Gross combination weight rating" means the value specified by the manufacturers of an articulated vehicle or combination of vehicles as the maximum loaded weight of such vehicles. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross combination weight rating shall be the greater of (i) the gross vehicle weight rating of the power units of the combination vehicle plus the total weight of the towed units, including any loads thereon, or (ii) the gross weight at which the articulated vehicle or combination of vehicles is registered in its state of registration; however, the registered gross weight shall not be applicable for determining the classification of an articulated vehicle or combination of vehicles for purposes of skills testing pursuant to § [46.2-341.14](#) or [46.2-341.16](#).

"Gross vehicle weight rating" means the value specified by the manufacturer of the vehicle as the maximum loaded weight of a single vehicle. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross vehicle weight rating shall be the greater of (i) the actual gross weight of the vehicle, including any load thereon, or (ii) the gross weight at which the vehicle is registered in its state of registration; however, the registered gross weight of the vehicle shall not be applicable for determining the classification of a vehicle for purposes of skills testing pursuant to § [46.2-341.14](#) or [46.2-341.16](#).

"Hazardous materials" means materials designated to be hazardous in accordance with § 103 of the federal Hazardous Materials Transportation Act, 49 U.S.C. § 5101 et seq., as amended, and which require placarding when transported by motor vehicle as provided in the federal Hazardous Materials Regulations, 49 C.F.R. Part 172, Subpart F; it also includes any quantity of any material listed as a select agent or toxin in federal Public Health Service Regulations at 42 C.F.R. Part 73.

"Manual transmission," also known as a stick shift, stick, straight drive, or standard transmission, means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated by either hand or foot.

"Noncommercial driver's license" means any other type of motor vehicle license, such as an automobile driver's license, a chauffeur's license, or a motorcycle license.

"Nondomiciled commercial learner's permit" or "nondomiciled commercial driver's license" means a commercial learner's permit or commercial driver's license, respectively, issued to a person in accordance with the provisions of this article or, if issued by another state, under either of the following two conditions: (i) to an individual domiciled in a foreign jurisdiction that does not test drivers and issue commercial driver's licenses in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of Part 383 of the Federal Motor Carrier Safety Regulations or (ii) to an individual domiciled in another state while that state is prohibited from issuing commercial driver's licenses in accordance with decertification

requirements of 49 C.F.R. § 384.405.

"Out-of-service order" or "out-of-service declaration" means an order by a judicial officer pursuant to § 46.2-341.26:2 or 46.2-341.26:3 or an order or declaration by an authorized law-enforcement officer under § 46.2-1001 or regulations promulgated pursuant to § 52-8.4 relating to Motor Carrier Safety, and including similar actions by authorized judicial officers or enforcement officers acting pursuant to similar laws of other states, the United States, the Canadian Provinces, Canada, Mexico, and localities within them, and also including actions by federal or other jurisdictions' officers pursuant to Federal Motor Carrier Safety Regulations, that a driver, a commercial motor vehicle, or a motor carrier is out of service. Such order or declaration as to a driver means that the driver is prohibited from operating a commercial motor vehicle for the duration of the out-of-service period. Such order or declaration as to a vehicle means that such vehicle cannot be operated until the hazardous condition that resulted in the order or declaration has been removed and the vehicle has been cleared for further operation. Such order or declaration as to a motor carrier means that no vehicle may be operated for or on behalf of such carrier until the out-of-service order or declaration has been lifted. For purposes of this article, the provisions of the Federal Motor Carrier Safety Regulations, 49 C.F.R. Parts 390 through 397, including such regulations or any substantially similar regulations as may have been adopted by any state of the United States, the Provinces of Canada, Canada, Mexico, or any locality shall be considered laws similar to the laws of the Commonwealth referenced herein.

"Person" means a natural person, firm, partnership, association, corporation, or a governmental entity including a school board.

"Restriction" means a prohibition on a commercial driver's license or commercial learner's permit that prohibits the holder from operating certain commercial motor vehicles.

"Seasonal restricted commercial driver's license" means a commercial driver's license issued under the authority of the waiver promulgated by the federal Department of Transportation (49 C.F.R. § 383.3) by the Commonwealth or any other jurisdiction to an individual who has not passed the knowledge or skills tests required of other commercial driver's license holders. This license authorizes operation of a commercial motor vehicle only on a seasonal basis, stated on the license, by a seasonal employee of a farm service business, within 150 miles of the place of business or the farm currently being served.

"State" means one of the 50 states of the United States or the District of Columbia.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. Part 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons as provided in 49 C.F.R. Part 383. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

"Third party examiner" means an individual who is an employee of a third party tester and who is certified by the Department to administer tests required for a commercial driver's license.

"Third party instructor" means an individual who is an employee of a third party tester or a

training provider and who (i) is authorized by the Department to provide entry-level driver training required for a commercial driver's license and (ii) meets the requirements for either a theory or behind-the-wheel instructor as defined in § 46.2-1700.

"Third party tester" means a person (including another state, a motor carrier, a private institution, the military, a government entity, including each comprehensive community college in the Virginia Community College System established by the State Board for Community Colleges pursuant to Chapter 29 (§ 23.1-2900 et seq.) of Title 23.1, or a department, agency, or instrumentality of a local government) certified by the Department to employ third party examiners to administer a test program for testing commercial driver's license applicants in accordance with this article.

"Training provider" means a person that provides entry-level driver training and that is (i) a Virginia licensed Class A driver training school or a Virginia certified third party tester and is listed on the federal Training Provider Registry or (ii) an entity that is otherwise licensed, certified, registered, or authorized to provide training in accordance with the laws of the Commonwealth or the applicable laws of another state and is listed on the federal Training Provider Registry.

"VAMCSR" means the Virginia Motor Carrier Safety Regulations (19VAC30-20) adopted by the Department of State Police pursuant to § 52-8.4.

1989, c. 705, § 46.1-372.4; 1990, c. 218; 1993, c. 70; 1998, c. 883; 2005, c. 513; 2008, c. 190; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2016, c. 429; 2019, c. 750; 2024, cc. 107, 121.

§ 46.2-341.5. Regulations consistent with Commercial Motor Vehicle Safety Act

The Department is authorized to promulgate regulations and establish procedures to enable it to issue commercial driver's licenses, maintain and exchange driver records, and impose licensing sanctions consistent with the provisions of this article and with the minimum standards of the federal Commercial Motor Vehicle Safety Act and the federal regulations promulgated thereunder.

1989, c. 705, § 46.1-372.5.

§ 46.2-341.6. Limitation on number of driver's licenses

No person who drives a commercial motor vehicle shall have more than one driver's license.

1989, c. 705, § 46.1-372.6.

§ 46.2-341.7. Commercial driver's license required; penalty

A. No person shall drive a commercial motor vehicle in the Commonwealth unless he has been issued a commercial driver's license or commercial learner's permit and unless such license or permit authorizes the operation of the type and class of vehicle so driven, and unless such license or permit is valid.

B. Every driver of a commercial motor vehicle, while driving such vehicle in the Commonwealth, shall have in his immediate possession the commercial driver's license or commercial learner's permit authorizing the operation of such vehicle and shall make it available to any law-enforcement officer upon request. Failure to comply with this subsection shall be punishable as provided in § 46.2-104.

C. No person shall drive a commercial vehicle in Virginia in violation of any of the restrictions or limitations stated on his commercial driver's license or commercial learner's permit. A violation of the subsection shall constitute a Class 2 misdemeanor.

1989, c. 705, § 46.1-372.7; 1993, c. 70; 2013, cc. [165](#), [582](#); 2015, c. [258](#).

§ 46.2-341.8. Nonresidents and new residents

A. Any person who is not domiciled in the Commonwealth, who has been duly issued a commercial driver's license or commercial learner's permit by his state of domicile, who has such license or permit in his immediate possession, whose privilege or license to drive any motor vehicle is not suspended, revoked, or cancelled, and who has not been disqualified from driving a commercial motor vehicle, shall be permitted without further examination or licensure by the Commonwealth, to drive a commercial motor vehicle in the Commonwealth.

Within 30 days after becoming domiciled in this Commonwealth, any person who has been issued a commercial driver's license by another state and who intends to drive a commercial motor vehicle shall apply to the Department for a Virginia commercial driver's license. If the Commissioner determines that such applicant is otherwise eligible for a commercial driver's license, the Department will issue him a Virginia commercial driver's license with the same classification and endorsements as his commercial driver's license from another state, without requiring him to take the knowledge or skills test required for such commercial driver's license in accordance with § [46.2-330](#). However, any such applicant seeking to transfer his commercial driver's license and to retain a hazardous materials endorsement shall have, within the two-year period preceding his application for a Virginia commercial driver's license, either (i) passed the required test for such endorsement specified in 49 C.F.R. § 383.121 or (ii) successfully completed a hazardous materials test or training that is given by a third party and that is deemed to substantially cover the same knowledge base as described in 49 C.F.R. § 383.121.

B. Any person who is (i) domiciled in a foreign jurisdiction that does not test drivers and issue commercial driver's licenses in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of Part 383 of the Federal Motor Carrier Safety Regulations or (ii) domiciled in another state while that state is prohibited from issuing commercial driver's licenses in accordance with decertification requirements of 49 C.F.R. § 384.405 may apply to the Department for a nondomiciled commercial learner's permit or nondomiciled commercial driver's license.

An applicant for a nondomiciled commercial learner's permit or nondomiciled commercial driver's license shall be required to meet all requirements for a commercial learner's permit or commercial driver's license, respectively.

An applicant domiciled in a foreign jurisdiction shall provide an unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States.

An applicant for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit shall not be required to surrender his foreign license.

After receipt of a nondomiciled commercial driver's license or nondomiciled commercial learner's permit and for as long as it is valid, holders of such licenses or permits shall be required to notify the Department of any adverse action taken by any jurisdiction or governmental agency, foreign

or domestic, against his driving privileges. Such notification shall be made before the end of the business day following the day the driver receives notice of the suspension, revocation, cancellation, lost privilege, or disqualification.

1989, c. 705, § 46.1-372.8; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258.

§ 46.2-341.9. Eligibility for commercial driver's license or commercial learner's permit

A. A Virginia commercial driver's license or commercial learner's permit shall be issued only to a person who drives or intends to drive a commercial motor vehicle, who is domiciled in the Commonwealth, and who is eligible for a commercial driver's license or commercial learner's permit under such terms and conditions as the Department may require.

No person shall be eligible for a Virginia commercial driver's license or commercial learner's permit until he has applied for such license or permit and has passed the applicable vision, knowledge and skills tests required by this article, and has satisfied all other applicable licensing requirements imposed by the laws of the Commonwealth. Such requirements shall include meeting the standards contained in subparts F, G, and H, of Part 383 of the FMCSA regulations.

No person shall be eligible for a Virginia commercial driver's license or commercial learner's permit during any period in which he is disqualified from driving a commercial motor vehicle, or his driver's license or privilege to drive is suspended, revoked or cancelled in any state, or during any period wherein the restoration of his license or privilege is contingent upon the furnishing of proof of financial responsibility.

No person shall be eligible for a Virginia commercial driver's license until he surrenders all other driver's licenses issued to him by any state.

No person shall be eligible for a Virginia commercial learner's permit until he surrenders all other driver's licenses and permits issued to him by any other state. The applicant for a commercial learner's permit is not required to surrender his Virginia noncommercial driver's license.

No person under the age of 21 years shall be eligible for a commercial driver's license, except that a person who is at least 18 years of age may be issued a commercial driver's license or commercial learner's permit, provided that such person is exempt from or is not subject to the age requirements of the Federal Motor Carrier Safety Regulations contained in 49 C.F.R. Part 391, and is not prohibited from operating a commercial motor vehicle by the Virginia Motor Carrier Safety Regulations, and has so certified. No person under the age of 21 years shall be issued a hazardous materials endorsement.

No person shall be eligible for a Virginia commercial driver's license to drive a Type S vehicle, as defined in subsection B of § 46.2-341.16, during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

In determining the eligibility of any applicant for a Virginia commercial driver's license, the Department shall consider, to the extent not inconsistent with federal law, the applicant's military training and experience.

A person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 may be issued a Virginia commercial driver's license to drive a Type P vehicle, as defined in subsection B of § 46.2-341.16,

provided the commercial driver's license includes a restriction prohibiting the license holder from operating a commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Department of Education.

B. Notwithstanding the provisions of subsection A, pursuant to 49 U.S.C. 31311(a)(12) a commercial driver's license or commercial learner's permit may be issued to an individual who (i) operates or will operate a commercial motor vehicle; (ii) is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and (iii) is not domiciled in the Commonwealth, but whose temporary or permanent duty station is located in the Commonwealth.

1989, c. 705, § 46.1-372.9; 2011, c. 477; 2012, cc. 12, 153; 2013, cc. 165, 582; 2015, c. 258; 2020, cc. 860, 861.

§ 46.2-341.9:01. Specialized training required

The Commissioner shall require that the course of instruction and other relevant materials related to driver training for commercial driver's licenses for Class A, Class B, and Class C commercial motor vehicles include training on the recognition, prevention, and reporting of human trafficking. The Commissioner shall identify industry-specific materials for use in the training required by this section.

2019, c. 352.

§ 46.2-341.9:1. Commissioner to grant variances for commercial drivers transporting hazardous wastes

The Commissioner may, to the extent allowed by federal law, grant variances from the regulations with respect to the physical qualifications for drivers of commercial motor vehicles transporting hazardous materials if:

1. The driver is regularly employed in a job requiring the operation of a commercial motor vehicle transporting hazardous materials;
2. The driver is at least twenty-one years of age;
3. A physician licensed in Virginia certifies that, in his professional opinion, the driver is capable of safely operating a commercial motor vehicle transporting hazardous materials; and
4. In the opinion of the Commissioner, the driver is able to perform the normal tasks associated with operating a commercial motor vehicle and comply with the applicable regulations authorized by § 10.1-1450.

The Commissioner may promulgate regulations addressing such variances.

1997, c. 260.

§ 46.2-341.10. Special provisions relating to commercial learner's permit

A. The Department upon receiving an application on forms prescribed by the Commissioner and upon the applicant's satisfactory completion of the vision and knowledge tests required for the class and type of commercial motor vehicle to be driven by the applicant may, in its discretion, issue to such applicant a commercial learner's permit. Such permit shall be valid for no more than one year from the date of issuance. No renewals are permitted. A commercial learner's

permit shall entitle the applicant to drive a commercial motor vehicle of the class and type designated on the permit, but only when accompanied by a person licensed to drive the class and type of commercial motor vehicle driven by the applicant. The person accompanying the permit holder shall occupy the seat closest to the driver's seat for the purpose of giving instruction to the permit holder in driving the commercial motor vehicle.

B. No person shall be issued a commercial learner's permit unless he possesses a valid Virginia driver's license or has satisfied all the requirements necessary to obtain such a license.

C. A commercial learner's permit holder with a passenger (P) endorsement (i) must have taken and passed the P endorsement knowledge test and (ii) is prohibited from operating a commercial motor vehicle carrying passengers, other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial learner's permit holder. The P endorsement must be class specific.

D. A commercial learner's permit holder with a school bus (S) endorsement (i) must have taken and passed the S endorsement knowledge test and (ii) is prohibited from operating a school bus with passengers other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial learner's permit holder. No person shall be issued a commercial learner's permit to drive school buses or to drive any commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Department of Education during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

E. A commercial learner's permit holder with a tank vehicle (N) endorsement (i) must have taken and passed the N endorsement knowledge test and (ii) 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.

F. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license and to the upgrade of a commercial driver's license if the upgrade requires a skills test. The commercial learner's permit holder is not eligible to take the commercial driver's license skills test until he has held the permit for the required period of time specified in § 46.2-324.1.

G. Any commercial learner's permit holder who operates a commercial motor vehicle without being accompanied by a licensed driver as provided in this section is guilty of a Class 2 misdemeanor.

H. The Department shall charge a fee of \$3 for each commercial learner's permit issued under the provisions of this section.

1989, c. 705, § 46.1-372.10; 2011, c. 477; 2012, c. 153; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2019, c. 750; 2020, cc. 860, 861.

§ 46.2-341.10:1. Seasonal restricted commercial drivers' licenses

A. The Commissioner may, in his discretion, issue seasonal restricted commercial drivers' licenses in accordance with this section.

B. A Virginia seasonal restricted commercial driver's license shall be issued only to a person who

(i) is a seasonal employee of a farm retail outlet or supplier, a custom harvester, a livestock feeder, or an agri-chemical business, (ii) is a Virginia-licensed driver with at least one year of driving experience as a licensed driver, and (iii) has satisfied every requirement for issuance of a commercial driver's license except successful completion of the knowledge and skills tests.

C. The Department shall not issue or renew a seasonal restricted commercial driver's license and shall not revalidate the seasonal period for which such license authorizes operation of a commercial motor vehicle, unless:

1. The applicant has not, and certifies that he has not, at any time during the two years immediately preceding the date of application:

a. Had more than one driver's license;

b. Had any driver's license or driving privilege suspended, revoked, or canceled;

c. Had any convictions involving any kind of motor vehicle for any of the offenses listed in §§ [46.2-341.18](#), [46.2-341.19](#), or § [46.2-341.20](#);

d. Been convicted of a violation of state or local laws relating to motor vehicle traffic control, other than a parking violation, which violation arose in connection with any reportable traffic accident;

e. Been convicted of any serious traffic violation, as defined in § [46.2-341.20](#), whether or not committed in a commercial motor vehicle; and

2. The applicant certifies and provides evidence satisfactory to the Commissioner that he is employed on a seasonal basis by a farm retail outlet or supplier, custom harvester, livestock feeder, or agri-chemical business in a job requiring the operation of a commercial motor vehicle.

D. Such seasonal restricted license shall entitle the licensee to drive a commercial motor vehicle of the class and type designated on the license, but shall not authorize operation of a Class A vehicle.

E. Such seasonal restricted license shall authorize operation of a commercial motor vehicle only during the seasonal period or periods prescribed by the Commissioner and stated on the license, provided the total number of calendar days in any twelve-month period for which the seasonal restricted license authorizes operation of a commercial motor vehicle shall not exceed 180. The license is valid for operation of a commercial motor vehicle during the seasonal period or periods for which it has been validated and must be revalidated annually by the Department for each successive seasonal period or periods for which commercial vehicle operation is sought; such license shall authorize operation of noncommercial motor vehicles at any time, unless it has been suspended, revoked, or canceled, or has expired.

F. Such seasonal restricted license shall not authorize operation of a commercial motor vehicle during any period during which the licensee is not employed by an entity described in subdivision B hereof, nor if such operation is not directly related to such employment.

G. Such seasonal restricted license shall not authorize the licensee to operate any vehicle transporting hazardous materials as defined in this article, except that a seasonal restricted licensee may drive a vehicle transporting:

1. Diesel fuel in quantities of 1,000 gallons or less;

2. Liquid fertilizers to be used as plant nutrients, in a vehicle or implement of husbandry with a total capacity of 3,000 gallons or less; or

3. Solid plant nutrients that are not transported with any organic substance.

H. Such seasonal restricted license shall authorize the operation of a commercial motor vehicle only within 150 miles of the place of business of the licensee's employer or the farm being served.

1993, c. 70.

§ 46.2-341.11. Commercial drivers required to notify the Department of change of address

A. If any person who is licensed by the Department to drive a commercial motor vehicle changes the mailing or residential address he most recently submitted to the Department, such person shall notify the Department in writing within thirty days after his change of address. If the Department receives notification from the person or any court or law-enforcement agency that a person's residential address has changed to a non-Virginia address, the Department shall (i) mail, by first-class mail, no later than three days after the notice of address change is received by the Department, notice to the person that his commercial driver's license will be cancelled by the Department and (ii) cancel the commercial driver's license thirty days after notice of cancellation has been mailed.

B. Any person who fails to notify the Department of his change of address in accord with the provisions of this subsection shall be guilty of a traffic infraction.

1989, c. 705, § 46.1-372.11; 2002, cc. [767](#), [834](#).

§ 46.2-341.12. Application for commercial driver's license or commercial learner's permit

A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial driver's license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the first time, or (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first time, unless he has completed an entry-level driver training course related to the license, classification, or endorsement he is applying for and the training is provided by a training provider. An individual is not required to complete an entry-level driver training course related to the license, classification, or endorsement he is applying for if he is exempted from such requirements under 49 C.F.R. § 380.603.

B. Every application to the Department for a commercial driver's license or commercial learner's permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;

2. Current mailing and residential addresses;

3. Physical description including sex, height, weight, and eye and hair color;

4. Year, month, and date of birth;

5. Social security number;

6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active

duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and

7. Any other information required on the application form.

Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the commercial driver's license or commercial learner's permit application form.

The applicant's social security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to the Department the following:

1. A consent to release driving record information;
2. Certifications that:
 - a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;
 - b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;
 - c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;
 - d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;
 - e. He does not have more than one driver's license;
3. Other certifications required by the Department;
4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;
5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and
6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

D. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

E. The Department shall disqualify any commercial driver for a period of one year when the

records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or commercial learner's permit. The Department shall take such action within 30 days after discovering such falsification.

F. The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include (i) research through the Commercial Driver's License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial learner's permit, commercial driver's license or additional commercial classification or endorsement.

1. If the information the Department receives from the Drug and Alcohol Clearinghouse indicates that the applicant is prohibited from operating a commercial motor vehicle, the Department shall deny the application. If the applicant currently holds a commercial driver's license or a commercial learner's permit, the Department must initiate a CDL downgrade of the applicant's commercial driver's license or commercial learner's permit as defined in 49 C.F.R. § 383.5.

2. If the FMCSA notifies the Department that an existing holder of a commercial driver's license or commercial learner's permit is prohibited from operating a commercial motor vehicle pursuant to 49 C.F.R. § 382.501(a), the Department shall initiate a CDL downgrade of the driver's commercial driver's license or commercial learner's permit as defined in 49 C.F.R. § 383.5 and record the CDL downgrade on the driver's record on the Commercial Driver's License Information System within 60 days of receiving the notification.

3. If the FMCSA notifies the Department that an existing holder of a commercial driver's license or commercial learner's permit was erroneously identified as prohibited from operating a commercial motor vehicle, the Department shall both reinstate the driver's commercial driver's license or commercial learner's permit privilege and remove any reference to the driver's erroneous prohibited status from the driver's record on the Commercial Driver's License Information System as expeditiously as possible, but no later than 10 days from receiving such notification from the FMCSA.

G. The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall

also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

H. Every new applicant for a commercial driver's license or commercial learner's permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the driver's record on the Commercial Driver's License Information System. Any new applicant for a commercial driver's license or commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial learner's permit by the Department.

I. Every existing holder of a commercial driver's license or commercial learner's permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the driver's record on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the driver's record on the Commercial Driver's License Information System and initiate a CDL downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

J. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections H and I shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a CDL downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

K. If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the driver's record on the Commercial Driver's License Information System using the restriction code "V."

L. Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a CDL downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

M. Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

N. Notwithstanding the provisions of § [46.2-208](#), the Department may release to the FMCSA

medical information relating to the issuance of a commercial driver's license or a commercial learner's permit collected by the Department pursuant to the provisions of subsections F, G, H, I, J, and K.

1989, c. 705, § 46.1-372.12; 2005, c. 513; 2009, c. 872; 2011, cc. 881, 889; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2019, c. 750; 2020, cc. 544, 546; 2024, cc. 107, 121.

§ 46.2-341.13. Disposition of fees

Except as otherwise provided, all fees accruing under the provisions of this chapter shall be paid to and received by the Commissioner, and by him forthwith paid into the state treasury and shall be set aside as a special fund in the state treasury to be used to meet the necessary additional expenses incurred by the Department of Motor Vehicles and the Commissioner in the performance of the duties required by this article.

1989, c. 705, § 46.1-372.13.

§ 46.2-341.14. Testing requirements for commercial driver's license; behind-the-wheel and knowledge examinations

A. The Department shall conduct an examination of every applicant for a commercial driver's license, which examination shall comply with the minimum federal standards established pursuant to the federal Commercial Motor Vehicle Safety Act. The examination shall be designed to test the vision, knowledge, and skills required for the safe operation of the class and type of commercial motor vehicle for which the applicant seeks a license.

No skills test shall be conducted by the Department for a first-time applicant for a Class A or Class B commercial driver's license, a passenger endorsement, or a school bus endorsement, or knowledge test for a first-time applicant for a hazardous materials endorsement, until (i) the Department has verified that the applicant has completed the appropriate entry-level driver training course administered by a training provider required for that skills or knowledge test, if the applicant is so required, or (ii) the applicant has certified that he is exempted from such requirement under § 46.2-341.12.

B. An applicant's skills test shall be conducted in a vehicle that is representative of or meets the description of the class of vehicle for which the applicant seeks to be licensed. In addition, applicants who seek to be licensed to drive vehicles with air brakes, passenger-carrying vehicles, or school buses must take the skills test in a vehicle that is representative of such vehicle type. Such vehicle shall be furnished by the applicant and shall be properly licensed, inspected and insured.

C. The Commissioner may designate such persons as he deems fit, including private or governmental entities, including comprehensive community colleges in the Virginia Community College System, to administer the knowledge and skills tests required of applicants for a commercial driver's license. Any person so designated shall comply with all statutes and regulations with respect to the administration of such tests.

The Commissioner shall require all state and third party test examiners to successfully complete a formal commercial driver's license test examiner training course and examination before certifying them to administer commercial driver's license knowledge and skills tests. All state and third party test examiners shall complete a refresher training course and examination every four years to maintain their commercial driver's license test examiner certification. The refresher

training course shall comply with 49 C.F.R. § 384.228. At least once every two years, the Department shall conduct covert and overt monitoring of examinations performed by state and third party commercial driver's license test examiners.

The Commissioner shall require a nationwide criminal background check of all test examiners at the time of hiring or prior to certifying them to administer commercial driver's license testing. The Commissioner shall complete a nationwide criminal background check for any state or third party test examiners who are current examiners and who have not had a nationwide criminal background check.

The Commissioner shall revoke the certification to administer commercial driver's license tests for any test examiner who (i) does not successfully complete the required refresher training every four years or (ii) does not pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.

D. Every applicant for a commercial driver's license who is required by the Commissioner to take a vision test shall either (i) appear before a license examiner of the Department of Motor Vehicles to demonstrate his visual acuity and horizontal field of vision or (ii) submit with his application a copy of the vision examination report that was used as the basis for such examination made within 90 days of the application date by an ophthalmologist or optometrist. The Commissioner may, by regulation, determine whether any other visual tests will satisfy the requirements of this title for commercial drivers.

E. No person who fails the behind-the-wheel examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comprehensive community college in the Virginia Community College System, or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the general knowledge examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the knowledge component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comprehensive community college in the Virginia Community College System, or a comparable course approved by the Department or the Department of Education. All persons required to attend a driver training school, a comprehensive community college, or a comparable course pursuant to this section shall be required, after successful completion of necessary courses, to have the applicable examination administered by the Department.

Comprehensive community colleges offering courses pursuant to this section shall meet course curriculum requirements established and made available by the Department and be comparable to the curriculum offered by Class A licensed schools. A course curriculum meeting the established requirements shall be submitted to the Department and shall be approved by the Department prior to the beginning of course instruction.

The Department shall provide and update the list of course curriculum requirements from time to time, as deemed appropriate and necessary by the Department. The Department shall notify the affected schools and comprehensive community colleges if new relevant topics are added to the course curriculum. Schools and comprehensive community colleges shall have 45 calendar days

after such notice is issued to update their course curriculum and to certify to the Department in a format prescribed by the Department that the school or comprehensive community college has added the new topics to the course curriculum.

The provisions of this subsection shall not apply to persons placed under medical control pursuant to § 46.2-322.

F. Knowledge tests may be administered in written form, verbally, or in automated format and can be administered in a foreign language, provided no interpreter is used in administering the test.

G. Interpreters are prohibited during the administration of the skills tests. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

H. Skills tests may be administered to an applicant who has taken training in the Commonwealth at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comprehensive community college in the Virginia Community College System, or a comparable course approved by the Department or the Department of Education, and is to be licensed in another state. Such test results shall be electronically transmitted directly from the Commonwealth to the licensing state in an efficient and secure manner. The Department may charge a fee of not more than \$85 to any such applicant.

I. The Department shall accept the results of skills tests administered to applicants by any other state in fulfillment of the applicant's testing requirements for commercial licensure in the Commonwealth.

J. The Department may administer skills performance evaluations in accordance with its agreement with the FMCSA. Notwithstanding the provisions of § 46.2-208, any medical information that is collected as part of the evaluation may be released to and inspected by the FMCSA.

1989, c. 705, § 46.1-372.14; 2008, c. 735; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2016, c. 429; 2017, c. 232; 2019, c. 750; 2020, c. 546.

§ 46.2-341.14:01. Military third party testers and military third party examiners; substitute for knowledge and driving skills tests for drivers with military commercial motor vehicle experience

A. Pursuant to § 46.2-341.14, the Commissioner may permit military bases that have entered into an agreement with the Department to serve as third party testers in administering state knowledge and skills tests for issuing commercial driver's licenses. Military third party testers and military third party examiners shall comply with the requirements set forth in §§ 46.2-341.14:1 through 46.2-341.14:9 with respect to knowledge and skills tests.

B. Pursuant to 49 C.F.R. § 383.77, the Commissioner may waive the driving skills test required by 49 C.F.R. § 383.23 and as specified in 49 C.F.R. § 383.113 for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his application for a commercial driver's license and substitute an applicant's driving record in combination with certain driving experience for the skills test.

C. To obtain a skills test waiver, the following conditions and limitations must be met:

1. An applicant must certify that, during the two-year period immediately prior to applying for a commercial driver's license, he:

- a. Has not simultaneously held more than one license except for a military license;
- b. Has not had any license suspended, revoked, canceled, or disqualified;
- c. Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this article;
- d. Has not had more than one conviction for any type of motor vehicle for serious traffic violations contained in this article; and
- e. Has not had any conviction for a violation of military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic crash and has no record of a crash in which he was at fault; and

2. An applicant must provide evidence and certify that he:

- a. Is regularly employed or was regularly employed within the last year or any other period authorized by the FMCSA in a military position requiring operation of a commercial motor vehicle;
- b. Was exempted from the commercial driver's license requirements in 49 C.F.R. § 383.3(c); and
- c. Was operating a vehicle representative of the commercial motor vehicle the driver applicant operates, or expects to operate, for at least the two years immediately preceding discharge from the military.

D. The Commissioner may waive the knowledge test for certain current or former military service members applying for a commercial learner's permit or commercial driver's license as permitted by 49 C.F.R. § 383.77, provided that such current or former military service member meets the conditions and limitations provided by 49 C.F.R. § 383.77.

E. The Commissioner may waive the knowledge test and driving skills test for certain current or former military service members applying for certain endorsements as permitted by 49 C.F.R. § 383.77, provided that such current or former military service member meets the conditions and limitations provided by 49 C.F.R. § 383.77.

2014, cc. [77](#), [803](#);2019, cc. [161](#), [750](#);2020, c. [546](#).

§ 46.2-341.14:1. Requirements for third party testers

A. Pursuant to § [46.2-341.14](#), third party testers will be authorized to issue skills test certificates, which will be accepted by the Department as evidence of satisfaction of the skills test component of the commercial driver's license examination. Authority to issue skills test certificates will be granted only to third party testers certified by the Department.

B. To qualify for certification, a third party tester shall:

- 1. Make application to and enter into an agreement with the Department as provided in § [46.2-341.14:3](#);
- 2. Maintain a place of business in the Commonwealth;

3. Have at least one certified third party examiner in his employ;
4. Ensure that all third party examiners in his employ are certified and comply with the requirements of §§ [46.2-341.14:2](#) and [46.2-341.14:7](#);
5. Permit the Department and the FMCSA of the U.S. Department of Transportation to conduct random examinations, inspections, and audits of its records, facilities, and operations that relate to the third party testing program without prior notice;
6. Maintain at the principal place of business a copy of the state certificate authorizing the third party tester to administer a commercial driver's license testing program and current third party agreement;
7. Maintain at a location in the Commonwealth, for a minimum of two years after a skills test is conducted, a record of each driver for whom the third party tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:
 - a. The complete name of the driver;
 - b. The driver's social security number or other driver's license number and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;
 - c. The date the driver took the skills test;
 - d. The test score sheet or sheets showing the results of the skills test and a copy of the skills test certificate, if issued;
 - e. The name and certification number of the third party examiner conducting the skills test; and
 - f. Evidence of the driver's employment with the third party tester at the time the test was taken, unless the third party tester is a governmental entity, including a comprehensive community college in the Virginia Community College System, that tests drivers who are not employed by that governmental entity, or a Class A driver training school certified as a third party tester pursuant to § [46.2-326](#). If the third party tester is a governmental entity that tests drivers who are not employed by that governmental entity, the third party tester shall maintain evidence that the driver was employed by a governmental entity or enrolled in a commercial driver training course offered by a community college at the time the test was taken. If the testing entity is a Class A driver training school certified as a third party tester pursuant to § [46.2-326.1](#), the third party tester shall maintain evidence that the driver was a student enrolled in that Class A driver training school at the time the test was taken. If the driver was trained or employed by a school board, the third party tester shall maintain evidence that the driver was trained in accordance with the Virginia School Bus Driver Training Curriculum Guide;
8. Maintain at a location in the Commonwealth a record of each third party examiner in the employ of the third party tester. Each record shall include:
 - a. Name and social security number;
 - b. Evidence of the third party examiner's certification by the Department;
 - c. A copy of the third party examiner's current training and driving record, which must be updated annually;

- d. Evidence that the third party examiner is an employee of the third party tester; and
 - e. If the third party tester is a school board, a copy of the third party examiner's certification of instruction issued by the Department of Education;
9. Retain the records required in subdivision 8 for at least two years after the third party examiner leaves the employ of the third party tester;
10. Ensure that skills tests are conducted, and that skills test certificates are issued in accordance with the requirements of §§ 46.2-341.14:8 and 46.2-341.14:9 and the instructions provided by the Department;
11. Maintain compliance with all applicable provisions of this article and the third party tester agreement executed pursuant to § 46.2-341.14:3; and
12. Maintain a copy of the third party tester's road test route or routes approved by the Department.

C. In addition to the requirements listed in subsection B, all third party testers who are not governmental entities, including a comprehensive community college in the Virginia Community College System, shall:

- 1. Be engaged in a business involving the use of commercial motor vehicles, which business has been in operation in the Commonwealth for a minimum of one year;
- 2. For employers that are testing their own employees, employ at least 50 drivers of commercial motor vehicles licensed in the Commonwealth during the 12-month period preceding the application, including part-time and seasonal drivers. This requirement may be waived by the Department pursuant to § 46.2-341.14:10;
- 3. If subject to the FMCSA regulations as a motor carrier and rated by the U.S. Department of Transportation, maintain a rating of "satisfactory";
- 4. Comply with the Virginia Motor Carrier Safety Regulations; and
- 5. Initiate and maintain a bond in the amount of \$5,000 to pay for retesting drivers in the event that the third party tester or one or more of its examiners are involved in fraudulent activities related to conducting knowledge or skills testing for applicants.

D. Certified third party testers are authorized to provide entry-level driver training to any individual to whom the third party tester would be permitted to administer a skills test pursuant to this article. If a certified third party tester elects to provide entry-level driver training, the third party tester shall (i) employ and utilize third party instructors, as defined in § 46.2-341.4, to provide all training and instruction to entry-level driver trainees; (ii) develop an entry-level driver training curriculum that complies with requirements prescribed by the Department and submit such curriculum to the Department for approval; (iii) upon notification by the Department that curriculum requirements have been updated, certify, in a format prescribed by the Department, that the third party tester has added the new topics to the course curriculum; and (iv) comply with the requirements provided in §§ 46.2-1708 through 46.2-1710.

Notwithstanding the provisions of § 46.2-1708, no third party tester or third party instructor shall be required to be licensed by the Department. A certified third party tester may not provide entry-level driver training to driver trainees until such tester has been issued a unique training

provider number and appears on the federal Training Provider Registry.

2013, cc. 165, 582;2014, cc. 77, 803;2015, c. 258;2016, c. 429;2019, cc. 78, 155, 750;2022, cc. 60, 139, 292.

§ 46.2-341.14:2. Requirements for third party examiners

A. Third party examiners may be certified to conduct skills tests on behalf of only one third party tester at any given time. If a third party examiner leaves the employ of a third party tester, he must be recertified in order to conduct skills tests on behalf of a new third party tester.

B. To qualify for certification as a third party examiner, an individual must:

1. Make application to the Department as provided in § 46.2-341.14:3 and pass the required nationwide criminal background check;
2. Be an employee of the third party tester;
3. Possess a valid Virginia commercial driver's license with the classification and endorsements required for operation of the class and type of commercial motor vehicle used in skills tests conducted by the examiner;
4. Satisfactorily complete any third party examiner training course required by the Department;
5. Within three years prior to application, have had no driver's license suspensions, revocations, or disqualifications;
6. At the time of application, have no more than six demerit points on his driving record and not be on probation under the Virginia Driver Improvement Program;
7. Within three years prior to application, have had no conviction for any offense listed in § 46.2-341.18 or 46.2-341.19, whether or not such offense was committed in a commercial motor vehicle;
8. If the examiner is employed by a school board, be certified by the Virginia Department of Education as a school bus training instructor;
9. Conduct skills tests on behalf of the third party tester in accordance with this article and in accordance with current instructions provided by the Department; and
10. Successfully complete a training course and examination every four years to maintain the commercial driver's license test examiner certification.

2013, cc. 165, 582;2014, cc. 77, 803.

§ 46.2-341.14:3. Application for certification by the Department

A. Application for third party tester certification.

1. An applicant for certification shall provide the following information in a format prescribed by the Department:
 - a. Name, address, and telephone number of principal office or headquarters;
 - b. Name, title, address, and telephone number of an individual in the Commonwealth who has been designated to be the applicant's contact person with the Department;

- c. Description of the vehicle fleet owned or leased by the applicant, including the number of commercial motor vehicles by class and type;
 - d. Classes and types of commercial motor vehicles for which the applicant seeks to be certified as a third party tester;
 - e. Total number of drivers licensed in the Commonwealth employed during the preceding 12 months to operate commercial motor vehicles and the number of such drivers who are full time, part time, and seasonal. However, this provision shall not apply to a comprehensive community college in the Virginia Community College System certified as a third party tester for the purposes of administering tests to students enrolled in a commercial driver training course offered by such community college;
 - f. Name, driver's license number, and home address of each employee who is to be certified as a third party examiner. If any employee has previously been certified as an examiner by the Department, the examiner's certification number;
 - g. The address of each location in the Commonwealth where the third party tester intends to conduct skills tests and a map, drawing, or written description of each driving course that satisfies the Department's requirements for a skills test course;
 - h. If the applicant is not a governmental entity, including a comprehensive community college in the Virginia Community College System, it shall also provide: (i) a description of the applicant's business and length of time in business in the Commonwealth; (ii) if subject to the FMCSA regulations, the applicant's Interstate Commerce Commission number or U.S. Department of Transportation number and rating; and (iii) the applicant's State Corporation Commission number; and
 - i. Any other relevant information required by the Department.
2. An applicant for certification shall also execute an agreement in a format prescribed by the Department in which the applicant agrees, at a minimum, to comply with the regulations and instructions of the Department for third party testers, including audit procedures, and agrees to hold the Department harmless from liability resulting from the third party tester's administration of its commercial driver's license skills test program.

B. Application for third party examiner certification.

1. An applicant for certification shall provide the following information in a format prescribed by the Department:
 - a. Name, home, and business addresses and telephone numbers;
 - b. Driver's license number;
 - c. Name, address, and telephone number of the principal office or headquarters of the applicant's employer, who has applied for and received certification as a third party tester;
 - d. Job title and description of duties and responsibilities;
 - e. Length of time employed by present employer. If less than two years, list previous employer, address, and telephone number;

- f. Present employer's recommendation of the applicant for certification;
- g. A list of the classes and types of vehicles for which the applicant seeks certification to conduct skills tests; and
- h. Any other relevant information required by the Department.

C. Evaluation of applicant by the Department.

1. The Department will evaluate the materials submitted by the third party tester applicant, and, if the application materials are satisfactory, the Department will schedule an onsite inspection and audit of the applicant's third party testing program to complete the evaluation.
2. The Department will evaluate the materials submitted by the third party examiner applicant as well as the applicant's driving record. If the application materials and driving record are satisfactory, the Department will schedule the applicant for third party examiner training. Training may be waived if the applicant is seeking recertification only because he has changed employers.
3. No more than two applications will be accepted from any one third party tester or examiner applicant in any 12-month period, excluding applications for recertification because of a change in employers.

2013, cc. [165](#), [582](#); 2016, c. [429](#).

§ 46.2-341.14:4. Certification by the Department

- A. Upon successful application and evaluation, a third party tester will be issued a letter or certificate that will evidence his authority to administer a third party testing program and issue skills test certificates for the classes and types of vehicles listed.
- B. Upon successful application, evaluation, and training, a third party examiner will be issued a letter or certificate that will evidence his authority to conduct skills tests for the classes and types of commercial motor vehicles listed.
- C. Certification will remain valid until canceled by the Department or voluntarily relinquished by the third party tester or examiner.

2013, cc. [165](#), [582](#).

§ 46.2-341.14:5. Terminating certification of third party tester or examiner

- A. Any third party tester or examiner may relinquish certification upon 30 days' notice to the Department. Relinquishment of certification by a third party tester or examiner shall not release such tester or examiner from any responsibility or liability that arises from his activities as a third party tester or examiner.
- B. The Department reserves the right to cancel the third party testing program established by this article, in its entirety.
- C. The Department shall revoke the skills testing certification of any examiner:

1. Who does not conduct skills test examinations of at least 10 different applicants per calendar year. However, examiners who do not meet the 10-test minimum must either take a refresher commercial driver's license training that complies with 49 C.F.R. § 384.228 or have a Department

examiner ride along to observe the third party examiner successfully administer at least one skills test; or

2. Who does not successfully complete the required refresher training every four years pursuant to 49 C.F.R. § 384.228.

D. The Department may cancel the certification of an individual third party tester or examiner upon the following grounds:

1. Failure to comply with or satisfy any of the provisions of this article, federal standards for the commercial driver's license testing program, the Department's instructions, or the third party tester agreement;
2. Falsification of any record or information relating to the third party testing program;
3. Commission of any act that compromises the integrity of the third party testing program; or
4. Failure to pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.

E. If the Department determines that grounds for cancellation exist for failure to comply with or satisfy any of the requirements of this chapter or the third party tester agreement, the Department may postpone cancellation and allow the third party tester or examiner 30 days to correct the deficiency.

2013, cc. [165](#), [582](#);2014, cc. [77](#), [803](#).

§ 46.2-341.14:6. Onsite inspections and audits

A. Each applicant for certification as a third party tester shall permit the Department or FMCSA to conduct random examinations, inspections, and audits of its operations, facilities, and records as they relate to its third party testing program, for the purpose of determining whether the applicant is qualified for certification. Each person who has been certified as a third party tester shall permit the Department to periodically inspect and audit his third party testing program to determine whether it remains in compliance with certification requirements.

B. The Department or FMCSA will perform its random examinations, inspections, and audits of third party testers during regular business hours with or without prior notice to the third party tester.

C. Inspections and audits of third party testers will occur at a minimum once every two years and include, at a minimum, an examination of:

1. Records relating to the third party testing program;
2. Evidence of compliance with the FMCSA regulations and Virginia Motor Carrier Safety Regulations;
3. Skills testing procedures, practices, and operations;
4. Vehicles used for testing;
5. Qualifications of third party examiners;

6. Effectiveness of the skills test program by either (i) testing a sample of drivers who have been issued skills test certificates by the third party tester to compare pass/fail results, (ii) having Department employees covertly take the skills tests from a third party examiner, or (iii) having Department employees co-score along with the third party examiner during commercial driver's license applicant's skills tests to compare pass/fail results;

7. A comparison of the commercial driver's license skills test results of applicants who are issued commercial driver's licenses with the commercial driver's license scoring sheets that are maintained in the third party testers' files; and

8. Any other aspect of the third party tester's operation that the Department determines is necessary to verify that the third party tester meets or continues to meet the requirements for certification.

D. The Department will prepare a written report of the results of each inspection and audit of third party testers. A copy of the report will be provided to the third party tester.

2013, cc. 165, 582; 2014, cc. 77, 803.

§ 46.2-341.14:7. Notification requirements

A. Every third party tester shall:

1. Notify the Department in a format prescribed by the Department within 10 days of any change in:

a. The third party tester's name or address; or

b. The third party examiners who are employed by the third party tester.

2. Notify the Department in a format prescribed by the Department within 10 days of any of the following occurrences:

a. The third party tester ceases business operations in Virginia;

b. The third party tester fails to comply with any of the requirements set forth in this article; or

c. Any third party examiner fails to comply with any of the requirements set forth in this article.

3. Notify the Department of any proposed change in the skills test route at least 30 days before the third party tester plans to change the route.

B. Every third party examiner shall notify the Department, within 10 days after leaving the employ of the third party tester, of his change in employment.

2013, cc. 165, 582.

§ 46.2-341.14:8. Test administration

A. Skills tests shall be conducted strictly in accordance with the provisions of this article and with current test instructions provided from time to time by the Department. Such instructions will include test forms and directions for completing such forms.

B. Skills tests shall be conducted:

1. On test routes that are located at least in part in Virginia and have been approved by the

Department;

2. In a vehicle that is representative of the class and type of vehicle for which the commercial driver's license applicant seeks to be licensed and for which the third party tester and third party examiner are certified to test; and

3. In vehicles that are inspected, licensed, and insured, as required by law.

C. All third party testers shall submit a skills test schedule of commercial driver's license skills testing appointments to the Department no later than two business days prior to each test.

D. All third party testers shall notify the Department through secure electronic means when a driver applicant passes skills tests.

2013, cc. [165](#), [582](#).

§ 46.2-341.14:9. The skills test certificate; validity of results

A. The Department will accept a skills test certificate issued in accordance with this section as satisfaction of the skills test component of the commercial driver's license examination.

B. Skills test certificates may be issued only to drivers who have passed the skills test conducted in accordance with this chapter and the instructions issued by the Department.

C. A skills test certificate will be accepted by the Department only if it is:

1. Issued by a third party tester certified by the Department in accordance with this article;
2. In a format prescribed by the Department, completed in its entirety, without alteration; and
3. Signed by the third party examiner who conducted the skills test.

D. The results of the skills test shall be valid for six months following the completion of the test.

2013, cc. [165](#), [582](#); 2016, c. [429](#); 2022, cc. [60](#), [139](#), [292](#).

§ 46.2-341.14:10. Waiver of requirement that third party tester applicant employ 50 drivers

A. Any applicant for certification as third party tester may submit with his application a request for a waiver of the requirement that the third party tester employ at least 50 drivers within the 12-month period preceding the application.

Such request shall include the following:

1. A statement of need. This statement should explain why the applicant should be certified as a third party tester. The statement should also include reasons why the testing facilities or programs offered by the Department will not meet the applicant's business requirements.
2. An estimate of the number of employees per year who will require commercial driver's license skills testing after April 1, 1992. If the waiver request is filed prior to April 1, 1992, the request should also include an estimate of the number of employees who will require skills testing prior to that date.

B. The Department will review the applicant's waiver request and will evaluate the Department's testing and third party monitoring resources. The Department will decide whether to grant the waiver request after balancing the stated needs of the applicant and the available resources of the

Department. The Department will notify the applicant in writing of its decision.

2013, cc. [165](#), [582](#);2019, cc. [78](#), [155](#).

§ 46.2-341.15. Commercial driver's license and commercial learner's permit document

A. The commercial driver's license issued by the Department shall be identified as a Virginia commercial driver's license and shall include at least the following:

1. Full name, a Virginia address, and signature of the licensee;
2. A photograph of the licensee;
3. A physical description of the licensee, including sex and height;
4. The licensee's date of birth and license number that shall be assigned by the Department to the licensee and shall not be the same as the licensee's Social Security number;
5. A designation of the class and type of commercial motor vehicle or vehicles which the licensee is authorized to drive, together with any restrictions; and
6. The date of license issuance and expiration.

B. The commercial learner's permit shall be identified as such but shall in all other respects conform to subsection A of this section. A commercial learner's permit shall also contain a statement that the permit is invalid unless accompanied by the underlying driver's license.

C. A nondomiciled commercial driver's license or a nondomiciled commercial learner's permit shall contain the word "nondomiciled" on the face of the document.

1989, c. 705, § 46.1-372.15; 2002, cc. [767](#), [834](#);2008, c. [190](#);2009, c. [872](#);2013, cc. [165](#), [582](#);2015, c. [258](#).

§ 46.2-341.16. Vehicle classifications, restrictions, and endorsements

A. A commercial driver's license or commercial learner's permit shall authorize the licensee or permit holder to operate only the classes and types of commercial motor vehicles designated thereon. The classes of commercial motor vehicles for which such license may be issued are:

1. Class A-Combination heavy vehicle. -- Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, provided the gross vehicle weight rating of the vehicles being towed is in excess of 10,000 pounds;
2. Class B-Heavy straight vehicle or other combination. -- Any single motor vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating that is not in excess of 10,000 pounds; and
3. Class C-Small vehicle. -- Any vehicle that does not fit the definition of a Class A or Class B vehicle and is either (i) designed to transport 16 or more passengers including the driver or (ii) is used in the transportation of hazardous materials.

B. Commercial driver's licenses shall be issued with endorsements authorizing the driver to operate the types of vehicles identified as follows:

1. Type T-Vehicles with double or triple trailers;

2. Type P-Vehicles carrying passengers;
3. Type N-Vehicles with cargo tanks;
4. Type H-Vehicles required to be placarded for hazardous materials;
5. Type S-School buses carrying 16 or more passengers, including the driver;
6. Type X-combination of tank vehicle and hazardous materials endorsements for commercial driver's licenses issued on or after July 1, 2014; and
7. At the discretion of the Department, any additional codes for groupings of endorsements with an explanation of such code appearing on the front or back of the license.

C. Commercial driver's licenses shall be issued with restrictions limiting the driver to the types of vehicles identified as follows:

1. L for no air brake equipped commercial motor vehicles for licenses issued on or after July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;
2. Z for no full air brake equipped commercial motor vehicles. If an applicant performs the skills test in a vehicle equipped with air over hydraulic brakes, the applicant is restricted from operating a commercial motor vehicle equipped with any braking system operating fully on the air brake principle;
3. E for no manual transmission equipped commercial motor vehicles for commercial driver's licenses issued on or after July 1, 2014;
4. O for no tractor-trailer commercial motor vehicles;
5. M for no class A passenger vehicles;
6. N for no class A and B passenger vehicles;
7. K for vehicles not equipped with air brakes for commercial driver's licenses issued before July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brakes if he does not take or fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;
8. K for intrastate only for commercial driver's licenses issued on or after July 1, 2014;
9. V for medical variance; and
10. At the discretion of the Department, any additional codes for groupings of restrictions with an explanation of such code appearing on the front or back of the license.

D. Commercial learner's permits shall be issued with endorsements authorizing the driver to operate the types of vehicles identified as follows:

1. Type P-Vehicles carrying passengers as provided in § [46.2-341.10](#);
2. Type N-Vehicles with cargo tanks as provided in § [46.2-341.10](#);and

3. Type S-School buses carrying 16 or more passengers, including the driver as provided in § [46.2-341.10](#).

E. Commercial learner's permits shall be issued with restrictions limiting the driver to the types of vehicles identified as follows:

1. P for no passengers in commercial motor vehicles bus;
2. X for no cargo in commercial motor vehicles tank vehicle;
3. L for no air brake equipped commercial motor vehicles for commercial learner's permits issued on or after July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test;
4. M for no class A passenger vehicles;
5. N for no class A and B passenger vehicles;
6. K for vehicles not equipped with air brakes for commercial learner's permits issued before July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test;
7. K for intrastate only for commercial learner's permits issued on or after July 1, 2014;
8. V for medical variance; and
9. Any additional jurisdictional restrictions that apply to the commercial learner's permit.

F. Persons authorized to drive Class A vehicles are also authorized to drive Classes B and C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

G. Persons authorized to drive Class B vehicles are also authorized to drive Class C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

H. Any licensee who seeks to add a classification or endorsement to his commercial driver's license must submit the application forms, certifications and other updated information required by the Department and shall take and successfully complete the tests required for such classification or endorsement.

I. If any endorsement to a commercial driver's license is canceled by the Department and the licensee does not appear in person at the Department to have such endorsement removed from the license, then the Department may cancel the commercial driver's license of the licensee.

1989, c. 705, § 46.1-372.15:1; 1990, c. 218; 2006, c. [226](#); 2012, cc. [22](#), [111](#); 2013, cc. [165](#), [582](#); 2014, cc. [77](#), [803](#); 2015, c. [258](#).

§ 46.2-341.16:1. Conformance with requirements of U.S.A. Patriot Act of 2001

A. Notwithstanding any other provision of this title, no endorsement authorizing the driver to operate a vehicle transporting hazardous materials shall be issued, renewed, or reissued by the Department unless the endorsement is issued, renewed, or reissued in conformance with the requirements of § 1012 of the U.S.A. Patriot Act of 2001, including all amendments thereto, and the federal regulation promulgated thereunder, for the issuance by the states of licenses to

operate motor vehicles transporting hazardous materials, and the Department has received notification from the U.S. Secretary of Transportation or the U.S. Transportation Security Administration, if required by the U.S.A. Patriot Act 2001 (49 U.S.C. § 5103a et seq.) and federal regulations, that the applicant does not pose a security threat warranting denial of such endorsement. Further, the Department shall cancel any existing endorsement authorizing a driver to operate a vehicle transporting hazardous materials if it has received notification that the holder of such endorsement does not meet the standards for security threat assessment established by the U.S. Transportation Security Administration.

B. Notwithstanding the provisions of § 46.2-330, a Virginia commercial driver's license with a hazardous materials endorsement shall be issued so that it expires no later than five years from its date of issuance, and it may be issued for a period of less than three years if a shorter period is necessary in order to put the license into a five-year renewal cycle as provided in § 46.2-330.

C. Notwithstanding the provisions of § 46.2-332, the Commissioner or his agent may collect an additional nonrefundable fee in conjunction with an application for a hazardous materials endorsement to offset the additional costs of collecting and processing fingerprints and other information required in conjunction with the security threat assessment program established through the U.S. Transportation Security Administration for hazardous materials endorsement applicants, which fee shall include a pass-through of the fees assessed by the Transportation Security Administration or other federal agencies as well as an additional amount, not to exceed \$100, to cover additional costs incurred by the Commonwealth in issuing commercial driver's licenses pursuant to the provisions of this section, and there shall be no exemption from such additional fee for any applicant who is an employee of the Commonwealth or any county, city, or town. In addition, any local law-enforcement agency that provided fingerprinting services in conjunction with the security threat assessment program may assess a fee from the applicant in an amount set by local ordinance, not to exceed \$25. Such amount shall be collected by the local law-enforcement agency and remitted to the treasurer of the appropriate locality to be used solely for the purpose of defraying the costs of operating the law-enforcement agency and shall not be used to supplant existing local funds for the operation of the law-enforcement agency.

2003, cc. 913, 920; 2004, c. 109.

§ 46.2-341.17. Penalty for violation of this article

Unless otherwise provided in this article or by the laws of the Commonwealth, any person who violates any provision of this article shall be guilty of a Class 2 misdemeanor.

1989, c. 705, § 46.1-372.16.

§ 46.2-341.18. Disqualification for certain offenses

A. Except as otherwise provided in this section and in § 46.2-341.18:01, the Commissioner shall disqualify for a period of one year any person whose record, as maintained by the Department of Motor Vehicles, shows that he has been convicted of any of the following offenses, if such offense was committed while operating a commercial motor vehicle:

1. A violation of any provision of § 46.2-341.21 or a violation of any federal law or the law of another jurisdiction substantially similar to § 46.2-341.21;
2. A violation of any provision of § 46.2-341.24 or a violation of any federal law or the law of another state substantially similar to § 46.2-341.24;

3. A violation of any provision of § 18.2-51.4 or 18.2-266 or a violation of a local ordinance paralleling or substantially similar to § 18.2-51.4 or 18.2-266, or a violation of any federal, state or local law or ordinance substantially similar to § 18.2-51.4 or 18.2-266;
4. Refusal to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath in accordance with §§ 18.2-268.1 through 18.2-268.12 or this article, or the comparable laws of any other state or jurisdiction;
5. Failure of the driver whose vehicle is involved in an accident to stop and disclose his identity at the scene of the accident; or
6. Commission of any crime punishable as a felony in the commission of which a motor vehicle is used, other than a felony described in § 46.2-341.19.

B. The Commissioner shall disqualify any such person for a period of three years if any offense listed in subsection A was committed while driving a commercial motor vehicle used in the transportation of hazardous materials required to be placarded under federal Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

C. Beginning September 30, 2005, the Commissioner shall disqualify for a period of one year any person whose record, as maintained by the Department, shows that he has been convicted of any of the following offenses committed while operating a noncommercial motor vehicle, provided that the person was, at the time of the offense, the holder of a commercial driver's license, and provided further that the offense was committed on or after September 30, 2005:

1. A violation of any provision of § 18.2-51.4, 18.2-266, or a violation of a local ordinance paralleling or substantially similar to § 18.2-51.4 or 18.2-266, or a violation of any federal, state, or local law or ordinance, or law of any other jurisdiction, substantially similar to § 18.2-51.4 or 18.2-266;
2. Refusal to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath in accordance with §§ 18.2-268.1 through 18.2-268.12, or the comparable laws of any other state or jurisdiction;
3. Failure of the driver whose vehicle is involved in an accident to stop and disclose his identity at the scene of the accident; or
4. Commission of any crime punishable as a felony in the commission of which a motor vehicle is used.

D. The Commissioner shall disqualify for life any person whose record, as maintained by the Department, shows that he has been convicted of two or more violations of any of the offenses listed in subsection A or C, if each offense arose from a separate incident, except that if all of the offenses are for violation of an out-of-service order, the disqualification shall be for five years. If two or more such disqualification offenses arise from the same incident, the disqualification periods imposed pursuant to subsection A, B, or C shall run consecutively and not concurrently.

E. The Commissioner shall disqualify for a period of five years a person who is convicted of voluntary or involuntary manslaughter, where the death occurred as a direct result of the operation of a commercial motor vehicle.

F. The Commissioner shall disqualify for life a person who is convicted of a felony involving an

act or practice of severe forms of trafficking in persons as defined in 22 U.S.C. § 7102(11) while driving a commercial motor vehicle, including any local, state, or federal law substantially similar to or fitting the definition of severe forms of trafficking in persons.

G. The Department may issue, if permitted by federal law, regulations establishing guidelines, including conditions, under which a disqualification for life under subsection D may be reduced to a period of not less than 10 years.

1989, c. 705, § 46.1-372.17; 1992, c. 830; 1997, c. 691; 2005, c. 513; 2008, c. 190; 2010, c. 424; 2021, Sp. Sess. I, c. 136.

§ 46.2-341.18:01. Disqualification for violation of out-of-service order; commercial motor vehicle designed to transport 16 or more passengers; commercial motor vehicle used to transport hazardous materials

The Commissioner shall disqualify, for a period of two years, any person convicted of violating an out-of-service order while operating (i) a commercial motor vehicle designed to transport 16 or more passengers, including the driver, or (ii) notwithstanding the provisions of § 46.2-341.18, a commercial motor vehicle while used in the transport of hazardous materials required to be placarded under federal Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F). If the person is convicted of two or more violations of this section, and each offense arose from a separate incident committed within a period of 10 years, the disqualification shall be for five years.

2008, c. 190; 2009, c. 102.

§ 46.2-341.18:1. Disqualification for certain alcohol-related offenses committed in other jurisdictions whose laws provide for disqualification for such offenses without a conviction

A. Notwithstanding the provisions of § 46.2-341.18 that require the Commissioner act to disqualify only on the basis of conviction records for certain offenses committed while operating a commercial motor vehicle, the Commissioner shall also act to disqualify, as provided in § 46.2-341.18, where he has received a record from another jurisdiction indicating that a Virginia licensee has been disqualified in that jurisdiction, solely as a result of his violation in that jurisdiction, of either of the two offenses listed in subdivisions 1 and 2, committed while operating a commercial motor vehicle, even though the disqualification was imposed as the result of an administrative or civil action and there was no court proceeding that could result in a conviction for such offense. The two offenses for which such action shall be taken are:

1. Operation of a commercial motor vehicle with a blood alcohol content of 0.04 percent or more, or
2. Refusal to submit to a chemical test to determine the alcohol or drug content of blood or breath of the operator of a commercial motor vehicle under the implied consent laws of that jurisdiction.

B. The Commissioner shall treat such a record of disqualification as though it were a conviction record from that jurisdiction under a law substantially similar to subsection B of § 46.2-341.24 or § 46.2-341.26:4, respectively, for purposes of implementing the disqualification provisions of § 46.2-341.18. Such treatment as a conviction for purposes of § 46.2-341.18 shall be applicable only if the disqualification action is final and unappealable or has been appealed and the appeal dismissed or the action affirmed and no further appeals are possible under the laws of the

jurisdiction wherein the offense was committed, and only if the disqualification period imposed by that jurisdiction is at least as long as the periods set out in § 46.2-341.18 for such an offense. If the Commissioner receives notice from a jurisdiction that a Virginia licensee has been subject to an administrative action or civil judgment resulting from a violation of subdivision A 1 or A 2, committed while operating a commercial motor vehicle, the Commissioner shall treat such notice as a conviction for the purposes of this article.

C. In no case shall the Commissioner act more than once to disqualify a Virginia licensee for any single violation committed in another jurisdiction, even though such violation may be reported by that jurisdiction as both an administrative or civil disqualification action and as a conviction from a court in that jurisdiction. Moreover, the Commissioner shall rescind a disqualification imposed pursuant to this section if the disqualification has been vacated or rescinded by the other jurisdiction as a result of the licensee's acquittal in the court proceedings, or the dismissal of those proceedings, in that jurisdiction.

2002, c. 724;2005, c. 513.

§ 46.2-341.18:2. Disqualification for use of urine-masking agent or device

The Commissioner shall disqualify for a period of one year any person who has been convicted of a violation of § 18.2-251.4.

2007, c. 422.

§ 46.2-341.18:3. Cancellation of commercial driver's license endorsement for certain offenders

The Commissioner shall cancel the Type S school bus endorsement for any person holding a commercial driver's license or commercial learner's permit who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

Any person holding a commercial driver's license or commercial learner's permit with a Type P passenger endorsement who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall surrender such license or permit to the Department, and shall be issued a license or permit that includes a restriction prohibiting the license or permit holder from operating a vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Department of Education.

If the holder of a commercial driver's license or commercial learner's permit fails to surrender the license or permit as required under this section, the Department shall cancel the license or permit.

2011, c. 477;2012, c. 153;2015, c. 258;2020, cc. 860, 861.

§ 46.2-341.19. Controlled substance felony; disqualification

A. No person shall use a commercial motor vehicle in the commission of any felony involving manufacturing, distributing, or dispensing a controlled substance or possession with intent to manufacture, distribute, or dispense such controlled substance. No person who holds a commercial learner's permit or commercial driver's license shall use a noncommercial motor vehicle in the commission of any felony involving manufacturing, distributing, or dispensing a controlled substance or possession with intent to manufacture, distribute, or dispense such controlled substance. For the purpose of this section, a controlled substance is defined as

provided in § 102(6) of the federal Controlled Substances Act (21 U.S.C. § 802(6)) and includes all substances listed on Schedules I through V of 21 C.F.R. Part 1308 as they may be revised from time to time.

B. Violation of this section shall constitute a separate and distinct offense and any person violating this section is guilty of a Class 1 misdemeanor. Punishment for a violation of this section shall be separate and apart from any punishment received from the commission of the primary felony.

C. The Commissioner shall, upon receiving a record of a conviction of a violation of this section, disqualify for life any person who is convicted of such violation.

1989, c. 705, § 46.1-372.18; 2019, c. 750.

§ 46.2-341.20. Disqualification for multiple serious traffic violations

A. For the purposes of this section, the following offenses, if committed in a commercial motor vehicle, are serious traffic violations:

1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;
2. Reckless driving;
3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;
4. Improper or erratic traffic lane change;
5. Following the vehicle ahead too closely;
6. Driving a commercial motor vehicle without obtaining a commercial driver's license or commercial learner's permit;
7. Driving a commercial motor vehicle without a commercial driver's license or commercial learner's permit in the driver's immediate possession;
8. Driving a commercial motor vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;
9. A violation of a state law, including §§ 46.2-341.20:5 and 46.2-919.1 or a local ordinance relating to motor vehicle traffic control prohibiting texting while driving; and
10. A violation of a state law, including §§ 46.2-341.20:5 and 46.2-919.1, or a local ordinance relating to motor vehicle traffic control restricting or prohibiting the use of a handheld mobile telephone while driving a commercial motor vehicle.

For the purposes of this section, parking, vehicle weight, and vehicle defect violations shall not be considered traffic violations.

B. Beginning September 30, 2005, the following offenses shall be treated as serious traffic violations if committed while operating a noncommercial motor vehicle, but only if (i) the person convicted of the offense was, at the time of the offense, the holder of a commercial driver's license or commercial learner's permit; (ii) the offense was committed on or after September 30, 2005; and (iii) the conviction, by itself or in conjunction with other convictions that satisfy the

requirements of this section, resulted in the revocation, cancellation, or suspension of such person's driver's license or privilege to drive.

1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;
2. Reckless driving;
3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;
4. Improper or erratic traffic lane change; or
5. Following the vehicle ahead too closely.

C. The Department shall disqualify for the following periods of time, any person whose record as maintained by the Department shows that he has committed, within any three-year period, the requisite number of serious traffic violations:

1. A 60-day disqualification period for any person convicted of two serious traffic violations; or
2. A 120-day disqualification period for any person convicted of three serious traffic violations.

D. Any disqualification period imposed pursuant to this section shall run consecutively, and not concurrently, with any other disqualification period imposed hereunder.

1989, c. 705, § 46.1-372.19; 1990, c. 218; 2005, c. 513; 2011, cc. 881, 889; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258.

§ 46.2-341.20:1. Disqualification for railroad/highway grade crossing violations

A. Except as otherwise provided in subsection B, the Commissioner shall disqualify for a period of sixty days any person whose record, as maintained by the Department, shows that he has been convicted of any offense committed while operating a commercial motor vehicle in violation of any law relating to the operation of a motor vehicle at a railroad/highway grade crossing, including but not limited to the provisions of Article 9 (§ 46.2-884 et seq.) of Chapter 8 of this title and the provisions of the Virginia and Federal Motor Carrier Safety Regulations, and any similar law of any other state or any locality.

B. The period of disqualification shall be for 120 days if the conviction was for an offense described in subsection A, committed within three years of a prior such offense, or for one year if for a third or subsequent such offense committed within three years, provided each offense arose from separate incidents.

2002, c. 724.

§ 46.2-341.20:2. Employer penalty; railroad/highway grade crossing violations; out-of-service order violation

Any employer who knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad/highway grade crossings, or in violation of an out-of-service order, shall be subject to a civil penalty for each violation pursuant to 49 C.F.R. Part 383, which shall be imposed by the Commissioner upon receipt of notification from federal or state motor carrier officials that an employer may have violated this provision, and upon notice to the employer of the charge and a hearing conducted as provided under the Administrative Process Act (§ 2.2-4000 et seq.), to determine whether such

employer has violated this provision. Civil penalties collected under this section shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524.

2002, c. 724;2005, c. 513;2008, c. 190;2014, cc. 77, 803.

§ 46.2-341.20:3. Disqualification for determination of imminent hazard

If the Department receives notification from the Federal Motor Carrier Safety Administration that a driver determined to constitute an imminent hazard has been disqualified from operating a commercial motor vehicle pursuant to 49 C.F.R. Part 383.52, the Department shall make a notation of such disqualification on the driver record maintained by the Department and any disqualification imposed by the Department on the driver shall run concurrently with the period of disqualification imposed pursuant to 49 CFR 383.52.

2005, c. 513;2008, c. 190.

§ 46.2-341.20:4. Disqualification of driver convicted of fraud related to the testing and issuance of a commercial learner's permit or commercial driver's license

A person who has been convicted of fraud pursuant to § 46.2-348 related to the issuance of a commercial learner's permit or commercial driver's license shall be disqualified for a period of one year. The application of a person so convicted who seeks to renew, transfer, or upgrade the fraudulently obtained commercial driver's license or seeks to renew or upgrade the fraudulently obtained commercial learner's permit must also, at a minimum, be disqualified. Any disqualification must be recorded in the person's driving record. The person may not reapply for a new commercial driver's license for at least one year.

If the Department receives credible information that a commercial learner's permit holder or commercial driver's license holder is suspected, but has not been convicted, of fraud related to the issuance of his commercial learner's permit or commercial driver's license, the Department shall require the driver to retake the skills test or knowledge test, or both. Within 30 days of receiving notification from the Department that retesting is necessary, the affected commercial learner's permit holder or commercial driver's license holder must make an appointment or otherwise schedule to take the next available test. If the commercial learner's permit holder or commercial driver's license holder fails to make an appointment within 30 days, the Department shall disqualify his commercial learner's permit or commercial driver's license. If the driver fails either the knowledge or skills test or does not take the test, the Department shall disqualify his commercial learner's permit or commercial driver's license. Once a commercial learner's permit holder's or commercial driver's license holder's commercial learner's permit or commercial driver's license has been disqualified, he must reapply for a commercial learner's permit or commercial driver's license under Department procedures applicable to all commercial learner's permit and commercial driver's license applicants.

2013, cc. 165, 582;2014, cc. 77, 803;2015, c. 258.

§ 46.2-341.20:5. Prohibition on texting and use of handheld mobile telephone; penalties

A. No person driving a commercial motor vehicle shall text or use a handheld mobile telephone while driving such vehicle. A driver who violates this section is subject to a civil penalty not to exceed \$2,750. Civil penalties collected under this section shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530. Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed is based on consideration of information available at the time the claim is made concerning the nature and gravity of the

violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require.

B. Notwithstanding the definition of commercial motor vehicle in § 46.2-341.4, this section shall apply to any driver who drives a vehicle designed or used to transport between nine and 15 passengers, including the driver, not for direct compensation.

C. The provisions of this section shall not apply to drivers who are texting or using a handheld mobile telephone when necessary to communicate with law-enforcement officials or other emergency services.

D. The following words and phrases when used in this section only shall have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Driving" means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely remain stationary.

"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.

2013, cc. 165, 582; 2014, cc. 77, 803; 2020, cc. 1230, 1275.

§ 46.2-341.20:6. Prohibition on requiring use of handheld mobile telephone or texting; motor carrier penalty

No motor carrier shall allow or require its drivers to use a handheld mobile telephone or to text while driving a commercial motor vehicle. Motor carriers violating this section are subject to a

civil penalty not to exceed \$11,000. Civil penalties collected under this section shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed is based on consideration of information available at the time the claim is made concerning the nature and gravity of the violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. "Driving," "mobile telephone," "texting," and "use a handheld mobile telephone" have the same meanings as assigned to them in § 46.2-341.20:5.

2014, cc. 77, 803;2020, cc. 1230, 1275.

§ 46.2-341.20:7. Possession of marijuana in commercial motor vehicle unlawful; civil penalty

A. It is unlawful for any person to knowingly or intentionally possess marijuana in a commercial motor vehicle as defined in § 46.2-341.4. The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.

Upon the prosecution of a person for a violation of this section, ownership or occupancy of the vehicle in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is subject to a civil penalty of no more than \$25. A violation of this section is a civil offence. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02. Violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.

B. Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange; however, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.

C. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

E. The provisions of this section involving marijuana in the form of cannabis products as that term is defined in § 4.1-1600 shall not apply to any person who possesses such cannabis product pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 4.1-1601 for treatment or to alleviate the symptoms of (i) the person's diagnosed condition or disease, (ii) if such person is the parent or guardian of a minor or of a

vulnerable adult as defined in § 18.2-369, such minor's or vulnerable adult's diagnosed condition or disease, or (iii) if such person has been designated as a registered agent pursuant to § 4.1-1601, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of a vulnerable adult as defined in § 18.2-369, such minor's or vulnerable adult's diagnosed condition or disease.

2021, Sp. Sess. I, cc. 227, 228, 550, 551; 2022, cc. 259, 642; 2023, cc. 740, 773.

§ 46.2-341.21. Driving while disqualified; penalties

No person whose privilege to drive a commercial motor vehicle has been suspended or revoked or who has been disqualified from operating a commercial motor vehicle or who has been ordered out of service, and who has been given notice of, or reasonably should know of the suspension, revocation, disqualification, or out-of-service order shall operate a commercial motor vehicle anywhere in the Commonwealth until the period of such suspension, revocation, disqualification, or out-of-service order has terminated, nor shall any person operate on any highway any vehicle that has been declared out of service until such time as the out-of-service declaration has been lifted.

Any person who violates this section shall, for the first offense, be guilty of a Class 2 misdemeanor, and for the second or any subsequent offense, be guilty of a Class 1 misdemeanor; however, if the offense is the violation of an out-of-service order, the minimum mandatory fine shall be \$2,500 for any person so convicted of a first offense and \$5,000 for a person convicted of a second or subsequent offense. Upon receipt of a record of a violation of this section, the Commissioner shall impose an additional disqualification in accordance with the provisions of §§ 46.2-341.18 and 46.2-341.18:01.

1989, c. 705, § 46.1-372.20; 1990, c. 218; 1995, cc. 145, 151; 2005, c. 513; 2008, c. 190.

§ 46.2-341.22. Requirements upon disqualification

Any person who has been disqualified pursuant to any provision of this article shall be subject to the provisions of §§ 46.2-370 and 46.2-414, and shall be required to comply with the provisions of §§ 46.2-370 and 46.2-411 as conditions to the reinstatement of his privilege to drive a commercial motor vehicle.

Any person who has been disqualified pursuant to the provisions of § 46.2-341.18 shall be required as further conditions to reinstatement of his privilege to operate a commercial motor vehicle, to (i) apply for such license; (ii) pass the knowledge and skills tests required for the class and type of commercial motor vehicle for which he seeks to be licensed; and (iii) satisfy all other applicable licensing requirements, including the payment of licensing fees, imposed by the laws of the Commonwealth.

The provisions of this section shall not apply to out-of-service orders issued pursuant to §§ 46.2-341.26:2 and 46.2-341.26:3.

1989, c. 705, § 46.1-372.21; 1992, c. 830; 2019, c. 750.

§ 46.2-341.23. Offenses under substantially similar laws

Except as otherwise provided, whenever in this Act reference is made to an offense which is a violation of a provision of this Code, such reference shall be deemed to include offenses under any local ordinance, any federal law, any law of another state or any local ordinance of another state, substantially similar to such provision of this Code.

1989, c. 705, § 46.1-372.22.

§ 46.2-341.24. Driving a commercial motor vehicle while intoxicated, etc

A. It shall be unlawful for any person to drive or operate any commercial motor vehicle (i) while such person has a blood alcohol concentration of 0.08 percent or more by weight by volume or 0.08 grams per 210 liters of breath as indicated by a chemical test administered as provided in this article; (ii) while such person is under the influence of alcohol; (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any commercial motor vehicle safely; (iv) while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any commercial motor vehicle safely; or (v) while such person has a blood concentration of any of the following substances at a level that is equal to or greater than: (a) 0.02 milligrams of cocaine per liter of blood, (b) 0.1 milligrams of methamphetamine per liter of blood, (c) 0.01 milligrams of phencyclidine per liter of blood, or (d) 0.1 milligrams of 3,4-methylenedioxymethamphetamine per liter of blood.

B. It shall be unlawful and a lesser included offense of an offense under provision (i), (ii), or (iv) of subsection A of this section for a person to drive or operate a commercial motor vehicle while such person has a blood alcohol concentration of 0.04 percent or more by weight by volume or 0.04 grams or more per 210 liters of breath as indicated by a chemical test administered in accordance with the provisions of this article.

1989, c. 705, § 46.1-372.23; 1992, c. 830; 1994, cc. [359](#), [363](#); 2005, c. [616](#).

§ 46.2-341.25. Preliminary analysis of breath of commercial drivers to determine alcohol content of blood

A. Any person who is reasonably suspected of a violation of § [46.2-341.24](#) or of having any alcohol in his blood while driving or operating a commercial motor vehicle may be required by any law-enforcement officer to provide a sample of such person's breath for a preliminary screening to determine the probable alcohol content of his blood. Such person shall be entitled, upon request, to observe the process of analysis and to see the blood-alcohol reading on the equipment used to perform the breath test. Such breath may be analyzed by any police officer of the Commonwealth, or of any county, city, or town, or by any member of a sheriff's department in the normal discharge of his duties.

B. The Department of Forensic Science shall determine the proper method and equipment to be used in analyzing breath samples taken pursuant to this section and shall advise the respective police and sheriff's departments of the same.

C. If the breath sample analysis indicates that there is alcohol present in the person's blood, or if the person refuses to provide a sample of his breath for a preliminary screening, such person shall then be subject to the provisions of §§ [46.2-341.26:1](#) through [46.2-341.26:11](#).

D. The results of a breath analysis conducted pursuant to this section shall not be admitted into evidence in any prosecution under § [46.2-341.24](#) or [46.2-341.31](#), but may be used as a basis for charging a person for a violation of the provisions of § [46.2-341.24](#) or [46.2-341.31](#).

E. The law-enforcement officer requiring the preliminary screening test shall advise the person of his obligations under this section and of the provisions of subsection C of this section.

1989, c. 705, § 46.1-372.24; 1990, cc. 218, 825; 1992, c. 830; 1996, cc. 154, 952; 2005, cc. 868, 881.

§ 46.2-341.26. Repealed

Repealed by Acts 1992, c. 830.

§ 46.2-341.26:1. Use of chemical tests to determine alcohol or drug content of blood of commercial driver; definitions

As used in §§ 46.2-341.26:2 through 46.2-341.26:11, unless the context clearly indicates otherwise:

The phrase "alcohol or drug" means alcohol, drug or drugs, or any combination of alcohol and a drug or drugs.

The phrase "blood or breath" means either or both.

"Chief police officer" means the sheriff in any county not having a chief of police, the chief of police of any county having a chief of police, the chief of police of the city, or the sergeant or chief of police of the town in which the charge will be heard, or their authorized representatives.

"Department" means the Department of Forensic Science.

"Director" means the Director of the Department of Forensic Science.

1992, c. 830; 2005, cc. 868, 881.

§ 46.2-341.26:2. Implied consent to post-arrest chemical test to determine alcohol or drug content of blood of commercial driver

A. Any person, whether licensed by Virginia or not, who operates a commercial motor vehicle upon a highway as defined in § 46.2-100 in the Commonwealth shall be deemed thereby, as a condition of such operation, to have consented to have samples of his blood, breath, or both blood and breath taken for a chemical test to determine the alcohol, drug or both alcohol and drug content of his blood, if he is arrested for violation of § 46.2-341.24 or 46.2-341.31 within three hours of the alleged offense.

B. Such person shall be required to have a breath sample taken and shall be entitled, upon request, to observe the process of analysis and to see the blood-alcohol reading on the equipment used to perform the breath test. If the equipment automatically produces a written printout of the breath test result, the printout or a copy shall be given to the suspect. If a breath test is not available, then a blood test shall be required.

C. The person may be required to submit to blood tests to determine the drug content of his blood if he has been arrested pursuant to provision (iii), (iv), or (v) of subsection A of § 46.2-341.24, or if he has taken the breath test required pursuant to subsection B and the law-enforcement officer has reasonable cause to believe the person was driving under the influence of any drug or combination of drugs, or the combined influence of alcohol and drugs.

D. If the certificate of analysis referred to in § 46.2-341.26:9 indicates the presence of alcohol in the suspect's blood, the suspect shall be taken before a magistrate to determine whether the magistrate should issue an out-of-service order prohibiting the suspect from driving any commercial motor vehicle for a 24-hour period. If the magistrate finds that there is probable cause to believe that the suspect was driving a commercial motor vehicle with any measurable

amount of alcohol in his blood, the magistrate shall issue an out-of-service order prohibiting the suspect from driving any commercial motor vehicle for a period of 24 hours. The magistrate shall forward a copy of the out-of-service order to the Department within seven days after issuing the order. The order shall be in addition to any other action or sanction permitted or required by law to be taken against or imposed upon the suspect.

1992, c. 830; 1993, c. 673; 2005, c. [616](#); 2017, c. [623](#).

§ 46.2-341.26:3. Refusal of tests; issuance of out-of-service orders; disqualification

A. It is unlawful for a person who is arrested for a violation of § [46.2-341.24](#) or [46.2-341.31](#) to unreasonably refuse to have samples of his breath taken for chemical tests to determine the alcohol content of his blood as required by § [46.2-341.26:2](#), and any person who so unreasonably refuses is guilty of a violation of this subsection, which is punishable as follows:

1. A first violation is a civil offense. For a first offense, the court shall suspend the defendant's privilege to drive for a period of one year. This suspension period is in addition to the suspension period provided under § [46.2-391.2](#).

2. If a person is found to have violated this subsection and within 10 years prior to the date of the refusal he was found guilty of any of the following: a violation of this section, a violation of any offense listed in subsection E of § [18.2-270](#), or a violation of § [46.2-341.24](#) or [46.2-341.31](#) arising out of separate occurrences or incidents, he is guilty of a Class 1 misdemeanor. A conviction under this subdivision shall of itself operate to deprive the person of the privilege to drive for a period of three years from the date of the judgment of conviction. This revocation period is in addition to the suspension period provided under § [46.2-391.2](#).

B. It is unlawful for a person who is arrested for a violation of § [46.2-341.24](#) or [46.2-341.31](#) to unreasonably refuse to have samples of his blood taken for chemical tests to determine the alcohol or drug content of his blood as required by § [46.2-341.26:2](#), and any person who so unreasonably refuses is guilty of a violation of this subsection, which is a civil offense and is punishable as follows:

1. For a first offense, the court shall suspend the defendant's privilege to drive for a period of one year. This suspension period is in addition to the suspension period provided under § [46.2-391.2](#).

2. If a person is found to have violated this subsection and within 10 years prior to the date of the refusal he was found guilty of any of the following: a violation of this section, a violation of any offense listed in subsection E of § [18.2-270](#), or a violation of § [46.2-341.24](#) or [46.2-341.31](#) arising out of separate occurrences or incidents, such violation shall of itself operate to deprive the person of the privilege to drive for a period of three years from the date of the judgment. This revocation period is in addition to the suspension period provided under § [46.2-391.2](#).

C. When a person is arrested for a violation of § [46.2-341.24](#) or [46.2-341.31](#) and such person refuses to permit blood or breath or both blood and breath samples to be taken for testing as required by § [46.2-341.26:2](#), the arresting law-enforcement officer shall advise the person, from a form provided by the Office of the Executive Secretary of the Supreme Court, (i) that a person who operates a commercial motor vehicle on a public highway in the Commonwealth is deemed thereby, as a condition of such operation, to have consented to have samples of his blood or breath taken for chemical tests to determine the alcohol or drug content of his blood, (ii) that a finding of unreasonable refusal to consent may be admitted as evidence at a criminal trial, (iii) that the unreasonable refusal to do so constitutes grounds for the immediate issuance of an out-

of-service order prohibiting him from driving a commercial vehicle for a period of 24 hours and for the disqualification of such person from operating a commercial motor vehicle, (iv) of the civil penalties for unreasonable refusal to have blood or breath or both blood and breath samples taken, and (v) of the criminal penalty for unreasonable refusal to have breath samples taken within 10 years of a prior conviction for driving while intoxicated or unreasonable refusal, which is a Class 1 misdemeanor. The form from which the law-enforcement officer shall advise the person arrested shall contain a brief statement of the law requiring the taking of blood or breath samples, that a finding of unreasonable refusal to consent to testing may be admitted as evidence at a criminal trial, and the penalties for refusal. The Office of the Executive Secretary of the Supreme Court shall make the form available on the Internet, and the form shall be considered an official publication of the Commonwealth for the purposes of § 8.01-388.

D. The law-enforcement officer shall, under oath before the magistrate, execute the form and certify (i) that the defendant has refused to permit blood or breath or both blood and breath samples to be taken for testing; (ii) that the officer has read the portion of the form described in subsection C to the arrested person; (iii) that the arrested person, after having had the portion of the form described in subsection C read to him, had refused to permit such sample or samples to be taken; and (iv) how many, if any, violations of this section, any offense listed in subsection E of § 18.2-270, or § 46.2-341.24 or 46.2-341.31 the arrested person has been convicted of within the last 10 years. Such sworn certification shall constitute probable cause for the magistrate to issue a warrant or summons charging the person with unreasonable refusal. The magistrate shall attach the executed and sworn advisement form to the warrant or summons. The warrant or summons for a first offense under subsection A or any offense under subsection B shall be executed in the same manner as a criminal warrant or summons. If the person arrested has been taken to a medical facility for treatment or evaluation of his medical condition, the law-enforcement officer may read the advisement form to the person at the medical facility and issue, on the premises of the medical facility, a summons for a violation of this section in lieu of securing a warrant or summons from the magistrate. The magistrate or law-enforcement officer, as the case may be, shall forward the executed advisement form and warrant or summons to the appropriate court.

E. If the magistrate finds that there was probable cause to believe the refusal was unreasonable, he shall immediately issue an out-of-service order prohibiting the person from operating a commercial motor vehicle for a period of 24 hours.

1992, c. 830; 2001, c. 654; 2017, c. 623.

§ 46.2-341.26:4. Appeal and trial; sanctions for refusal; procedures

A. Venue for the trial of the warrant or summons shall lie in the court of the county or city in which the offense of driving under the influence of intoxicants or other offense listed in subsection A or B of § 46.2-341.26:3 is to be tried.

B. The procedure for appeal and trial of any civil offense of § 46.2-341.26:3 shall be the same as provided by law for misdemeanors. If requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

C. If the defendant pleads guilty to a violation of § 46.2-341.24, the court may dismiss the warrant or summons.

The court shall dispose of the defendant's license in accordance with the provisions of § 46.2-398; however, the defendant's license shall not be returned during any period of suspension imposed under § 46.2-391.2.

1992, c. 830; 2017, c. 623.

§ 46.2-341.26:5. Qualifications and liability of persons authorized to take blood samples; procedure for taking samples

For purposes of this article, only a physician, registered nurse, licensed practical nurse, phlebotomist, graduate laboratory technician or a technician or nurse designated by order of a circuit court acting on the recommendation of a licensed physician, using soap and water, polyvinylpyrrolidone iodine, pvp iodine, povidone iodine or benzalkonium chloride to cleanse the part of the body from which the blood is taken and using instruments sterilized by the accepted steam sterilizer or some other sterilizer which will not affect the accuracy of the test, or using chemically clean sterile disposable syringes, shall withdraw blood for the purpose of determining its alcohol or drug content. It is a Class 3 misdemeanor to reuse single-use-only needles or syringes. No civil liability shall attach to any person authorized by this section to withdraw blood as a result of the act of withdrawing blood from any person submitting thereto, provided the blood was withdrawn according to recognized medical procedures. However, the person shall not be relieved from liability for negligence in the withdrawing of any blood sample.

No person arrested for a violation of § 46.2-341.24 or § 46.2-341.31 shall be required to execute in favor of any person or corporation a waiver or release of liability in connection with the withdrawal of blood or as a condition precedent to the withdrawal of blood as provided for in this section.

1992, c. 830; 2004, cc. 150, 440.

§ 46.2-341.26:6. Transmission of blood samples

The blood sample withdrawn pursuant to § 46.2-341.26:5 shall be placed in vials provided or approved by the Department of Forensic Science. The vials shall be sealed by the person taking the sample or at his direction. The person who seals the vials shall complete the prenumbered certificate of blood withdrawal forms and attach one form to each vial. The completed withdrawal certificate for each vial shall show the name of the suspect, the name of the person taking the blood sample, the date and time the blood sample was taken and information identifying the arresting or accompanying officer. The vials shall be placed in a container provided by the Department, and the container shall be sealed to prevent tampering with the vials. A law-enforcement officer shall take possession of the container as soon as the vials are placed in such container and sealed, and shall promptly transport or mail the container to the Department.

1992, c. 830; 2003, cc. 933, 936; 2005, cc. 868, 881.

§ 46.2-341.26:7. Transmission of samples

A. Upon receipt of a blood sample forwarded to the Department for analysis pursuant to § 46.2-341.26:6, the Department shall have it examined for its alcohol or drug content, and the Director shall execute a certificate of analysis indicating the name of the suspect; the date, time, and by whom the blood sample was received and examined; a statement that the seal on the vial had not been broken or otherwise tampered with; a statement that the container and vial were provided or approved by the Department and that the vial was one to which the completed withdrawal

certificate was attached; and a statement of the sample's alcohol or drug content. The Director or his representative shall remove the withdrawal certificate from the vial and either (i) attach it to the certificate of analysis and state in the certificate of analysis that it was so removed and attached or (ii) electronically scan it into the Department's Laboratory Information Management System and place the original withdrawal certificate in its case-specific file. The certificate of analysis and the withdrawal certificate shall be returned or electronically transmitted to the clerk of the court in which the charge will be heard.

B. After completion of the analysis, the Department shall preserve the remainder of the blood until at least 90 days have lapsed. The accused may, at any time prior to the expiration of such 90-day period, by motion filed before the court in which the charge will be heard, with notice to the Department, request an order directing the Department to transmit the remainder of the blood sample to an independent laboratory retained by the accused for analysis. On motion of the accused, the report of analysis prepared for the remaining blood sample shall be admissible in evidence, provided that the report is duly attested by a person performing such analysis and the independent laboratory that performed the analysis is accredited or certified to conduct forensic blood alcohol/drug testing by one or more of the following: College of American Pathologists (CAP); U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA); American Board of Forensic Toxicology (ABFT); or an accrediting body that requires conformance to forensic-specific requirements and that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement with a scope of accreditation that covers the testing being performed. If no notice of a motion to transmit the remainder of the blood sample is received prior to the expiration of the 90-day period, the Department shall destroy the remainder of the blood sample unless the Commonwealth has filed a written request with the Department to return the remainder of the blood sample to the investigating law-enforcement agency. In such case, the Department shall return the remainder of the blood sample, if not sent to an independent laboratory, to the investigating law-enforcement agency.

C. When a blood sample taken in accordance with the provisions of §§ [46.2-341.26:2](#) through [46.2-341.26:6](#) is forwarded for analysis to the Department, a report of the test results shall be filed in that office. Upon proper identification of the certificate of withdrawal, the certificate of analysis, with the withdrawal certificate attached, shall, when attested by the Director, be admissible in any court as evidence of the facts therein stated and of the results of such analysis (i) in any criminal proceeding, provided that the requirements of subsection A of § [19.2-187.1](#) have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § [19.2-187.1](#), or (ii) in any civil proceeding.

Upon request of the person whose blood or breath was analyzed, the test results shall be made available to him.

The Director may delegate or assign these duties to an employee of the Department.

1992, c. 830; 2003, cc. [933](#), [936](#); 2005, cc. [868](#), [881](#); 2009, Sp. Sess. I, cc. 1, 4; 2014, c. [328](#); 2017, c. [623](#); 2019, c. [474](#).

§ 46.2-341.26:8. Fees

Payment for withdrawing blood shall not exceed \$25, which shall be paid out of the appropriation for criminal charges.

If the person whose blood sample was withdrawn is subsequently convicted for violation of § 46.2-341.24 or § 46.2-341.31, any fees paid by the Commonwealth to the person withdrawing the sample shall be taxed as part of the costs of the criminal case and shall be paid into the general fund of the state treasury.

1992, c. 830; 2003, cc. 933, 936.

§ 46.2-341.26:9. Assurance of breath test validity; use of breath tests as evidence

To be capable of being considered valid in a prosecution under § 46.2-341.24 or 46.2-341.31, chemical analysis of a person's breath shall be performed by an individual possessing a valid license to conduct such tests, with the type of equipment and in accordance with methods approved by the Department.

Any individual conducting a breath test under the provisions of § 46.2-341.26:2 shall issue a certificate which includes the name of the suspect, the date and time the sample was taken from the suspect, the alcohol content of the sample, and the identity of the person who examined the sample. The certificate will also indicate that the test was conducted in accordance with the Department's specifications.

The certificate of analysis, when attested by the authorized individual conducting the breath test on equipment maintained by the Department, shall be admissible in any court as evidence of the facts therein stated and of the results of such analysis (i) in any criminal proceeding, provided that the requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1, or (ii) in any civil proceeding. Any such certificate of analysis purporting to be signed by a person authorized by the Department shall be admissible in evidence without proof of seal or signature of the person whose name is signed to it.

A copy of such certificate shall be promptly delivered to the suspect. Any person qualified to conduct a breath test as provided by this section may administer the breath test or analyze the results thereof.

1992, c. 830; 2005, cc. 868, 881; 2009, Sp. Sess. I, cc. 1, 4; 2017, c. 623.

§ 46.2-341.26:10. Evidence

A. In any trial for a violation of § 46.2-341.24, admission of the blood or breath test results shall not limit the introduction of any other relevant evidence bearing upon any question at issue before the court, and the court shall, regardless of the results of the blood or breath tests, consider other relevant admissible evidence of the condition of the accused. If the test results indicate the presence of any drugs other than alcohol, the test results shall be admissible except in a prosecution under clause (v) of subsection A of § 46.2-341.24, only if other competent evidence has been presented to relate the presence of the drug or drugs to the impairment of the accused's ability to drive or operate any commercial motor vehicle safely.

B. The failure of an accused to permit a blood or breath sample to be taken to determine the alcohol or drug content of his blood is not evidence and shall not be subject to any comment by the Commonwealth at the trial of the case, except in rebuttal or pursuant to subsection C; nor shall the fact that a blood or breath test had been offered the accused be evidence or the subject of comment by the Commonwealth, except in rebuttal or pursuant to subsection C.

C. Evidence of a finding against the defendant under § 18.2-268.3 for his unreasonable refusal to

permit a blood or breath sample to be taken to determine the alcohol or drug content of his blood shall be admissible into evidence, upon the motion of the Commonwealth or the defendant, for the sole purpose of explaining the absence at trial of a chemical test of such sample. When admitted pursuant to this subsection such evidence shall not be considered evidence of the accused's guilt.

D. The court or jury trying the case involving a violation of clause (ii), (iii) or (iv) of subsection A of § 46.2-341.24 shall determine the innocence or guilt of the defendant from all the evidence concerning his condition at the time of the alleged offense.

1992, c. 830; 2001, c. 654; 2005, c. 616.

§ 46.2-341.26:11. Substantial compliance

The steps set forth in §§ 46.2-341.26:2 through 46.2-341.26:9 relating to taking, handling, identifying, and disposing of blood or breath samples are procedural and not substantive. Substantial compliance shall be sufficient. Failure to comply with any steps or portions thereof shall not of itself be grounds for finding the defendant not guilty, but shall go to the weight of the evidence and shall be considered with all the evidence in the case; however, the defendant shall have the right to introduce evidence on his own behalf to show noncompliance with the aforesaid procedures or any part thereof, and that as a result his rights were prejudiced.

1992, c. 830; 2003, cc. 933, 936.

§ 46.2-341.27. Presumptions from alcohol and drug content of blood

In any prosecution for a violation of clause (ii), (iii), or (iv) of subsection A of § 46.2-341.24, the amount of alcohol or drugs in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of a sample of the suspect's blood or breath to determine the alcohol or drug content of his blood (i) in accordance with the provisions of §§ 46.2-341.26:1 through 46.2-341.26:11 or (ii) performed by the Department of Forensic Science in accordance with the provisions of §§ 46.2-341.26:5, 46.2-341.26:6, and 46.2-341.26:7 on the suspect's whole blood drawn pursuant to a search warrant shall give rise to the following rebuttable presumptions:

A. If there was at that time 0.08 percent or more by weight by volume of alcohol in the accused's blood or 0.08 grams or more per 210 liters of the accused's breath, it shall be presumed that the accused was under the influence of alcoholic intoxicants.

B. If there was at that time less than 0.08 percent by weight by volume of alcohol in the accused's blood or 0.08 grams or more per 210 liters of the accused's breath, such fact shall not give rise to any presumption that the accused was or was not under the influence of alcoholic intoxicants, but such fact may be considered with other competent evidence in determining the guilt or innocence of the accused.

C. If there was at that time an amount of the following substances at a level that is equal to or greater than: (a) 0.02 milligrams of cocaine per liter of blood, (b) 0.1 milligrams of methamphetamine per liter of blood, (c) 0.01 milligrams of phencyclidine per liter of blood, or (d) 0.1 milligrams of 3,4-methylenedioxymethamphetamine per liter of blood, it shall be presumed that the accused was under the influence of drugs to a degree which impairs his ability to drive or operate any commercial motor vehicle safely.

1989, c. 705, § 46.1-372.26; 1992, c. 830; 1994, cc. 359, 363; 2005, c. 616; 2017, c. 623.

§ 46.2-341.28. Penalty for driving commercial motor vehicle while intoxicated; subsequent offense; prior conviction

A. Except as otherwise provided herein, any person violating any provision of subsection A of § 46.2-341.24 is guilty of a Class 1 misdemeanor with a mandatory minimum fine of \$250. If the person's blood alcohol level as indicated by the chemical test as provided in this article or by any other scientifically reliable chemical test performed on whole blood under circumstances reliably establishing the identity of the person who is the source of the blood and accuracy of the results (i) was at least 0.15, but not more than 0.20, he shall be confined in jail for an additional mandatory minimum period of five days or (ii) was more than 0.20, he shall be confined in jail for an additional mandatory minimum period of 10 days.

B. 1. Any person convicted of a second offense committed within less than five years after a prior offense under subsection A of § 46.2-341.24 shall upon conviction of the second offense be punished by a mandatory minimum fine of \$500 and by confinement in jail for not less than one month nor more than one year. Twenty days of such confinement shall be a mandatory minimum sentence.

2. Any person convicted of a second offense committed within a period of five to 10 years of a prior offense under subsection A of § 46.2-341.24 shall upon conviction of the second offense be punished by a mandatory minimum fine of \$500 and by confinement in jail for not less than one month. Ten days of such confinement shall be a mandatory minimum sentence.

3. Upon conviction of a second offense within 10 years of a prior offense, if the person's blood alcohol level as indicated by the chemical test administered as provided in this article or by any other scientifically reliable chemical test performed on whole blood under circumstances reliably establishing the identity of the person who is the source of the blood and the accuracy of the results (i) was at least 0.15, but not more than 0.20, he shall be confined in jail for an additional mandatory minimum period of 10 days or (ii) was more than 0.20, he shall be confined for an additional mandatory minimum period of 20 days. In addition, such person shall be fined a mandatory minimum fine of \$500.

C. 1. Any person convicted of three offenses under subsection A of § 46.2-341.24 within a 10-year period is upon conviction of the third offense guilty of a Class 6 felony. The sentence of any person convicted of three offenses under subsection A of § 46.2-341.24 shall include a mandatory minimum sentence of 90 days, unless the three offenses were committed within a five-year period, in which case the sentence shall include a mandatory minimum sentence of confinement for six months. In addition, such person shall be fined a mandatory minimum fine of \$1,000.

2. Any person who has been convicted of a violation of § 18.2-36.1, 18.2-36.2, 18.2-51.4, or 18.2-51.5 or a felony violation under subsection A of § 46.2-341.24 is upon conviction of a subsequent violation under subsection A of § 46.2-341.24 guilty of a Class 6 felony. The punishment of any person convicted of such a subsequent violation under subsection A of § 46.2-341.24 shall include a mandatory minimum term of imprisonment of one year and a mandatory minimum fine of \$1,000.

3. The punishment of any person convicted of a fourth or subsequent offense under subsection A of § 46.2-341.24 committed within a 10-year period shall, upon conviction, include a mandatory minimum term of imprisonment of one year. In addition, such person shall be fined a mandatory minimum fine of \$1,000.

D. In addition to the penalty otherwise authorized by this section, any person convicted of a violation of subsection A of § 46.2-341.24 committed while transporting a person 17 years of age or younger shall be (i) fined an additional minimum of \$500 and not more than \$1,000 and (ii) sentenced to a mandatory minimum period of confinement of five days.

E. For the purpose of determining the number of offenses committed by, and the punishment appropriate for, a person under this section, a conviction of any person or finding of not innocent in the case of a juvenile under the following shall be considered a conviction under subsection A of § 46.2-341.24: (i) § 18.2-36.1, 18.2-51.4, or 18.2-266, former § 18.1-54 (formerly § 18-75), or subsection A of § 46.2-341.24; (ii) the ordinance of any county, city, or town in the Commonwealth substantially similar to the provisions of any offense listed in clause (i); or (iii) the laws of any other state or of the United States substantially similar to the provisions of any offense listed in clause (i).

F. Mandatory minimum punishments imposed pursuant to this section shall be cumulative, and mandatory minimum terms of confinement shall be served consecutively. However, in no case shall punishment imposed hereunder exceed the applicable statutory maximum Class 1 misdemeanor term of confinement or fine upon conviction of a first or second offense, or Class 6 felony term of confinement or fine upon conviction of a third or subsequent offense.

1989, c. 705, § 46.1-372.27; 1993, c. 673; 1997, c. 691; 2000, cc. 958, 980; 2004, c. 461; 2017, c. 286.

§ 46.2-341.29. Penalty for driving commercial motor vehicle with blood alcohol content equal to or greater than 0.04

Any person violating the provisions of subsection B of § 46.2-341.24 shall be guilty of a Class 3 misdemeanor.

1989, c. 705, § 46.1-372.28.

§ 46.2-341.30. Disqualification for driving commercial motor vehicle while intoxicated, etc

A. The judgment of conviction under any provision of § 46.2-341.24 shall of itself operate to disqualify the person so convicted from the privilege to drive or operate any commercial motor vehicle as provided in § 46.2-341.18. Notwithstanding any other provision of law, such disqualification shall not be subject to any suspension, reduction, limitation or other modification by the court or the Commissioner.

B. A judgment of conviction under any provision of subsection A of § 46.2-341.24, in addition to causing the disqualification under subsection A of this section, shall also operate to deprive the person so convicted of his privilege to drive or operate any motor vehicle as provided in § 18.2-271.

1989, c. 705, § 46.1-372.29.

§ 46.2-341.31. Driving commercial motor vehicle with any alcohol in blood

No person shall drive a commercial motor vehicle while having any amount of alcohol in his blood, as measured by a test administered pursuant to the provisions of §§ 46.2-341.26:1 through 46.2-341.26:11. Any person found to have so driven a commercial motor vehicle shall be guilty of a traffic infraction.

1989, c. 705, § 46.1-372.29:1; 1990, c. 218; 1992, c. 830.

§ 46.2-341.32. Authority to enter into agreements

The Department may procure and enter into agreements or arrangements for the purpose of participating in the Commercial Driver License System or any other similar information system established to implement the requirements of the Commercial Motor Vehicle Safety Act, and may procure and enter into other agreements or arrangements to carry out the provisions of this article.

1989, c. 705, § 46.1-372.30.

§ 46.2-341.33. Repealed

Repealed by Acts 2015, c. 709, cl. 2.

§ 46.2-341.34. Appeals

Any person denied a commercial driver's license or who has been disqualified from operating a commercial motor vehicle under the provisions of this article is entitled to judicial review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). No appeal shall lie in any case in which such denial or disqualification was mandatory except to determine the identity of the person concerned when the question of identity is in dispute.

From the final decision of the circuit court, either party shall have an appeal as of right to the Court of Appeals.

While an appeal is pending from the action of the Department disqualifying the person or denying him a license, or from the court affirming the action of the Department, the person aggrieved shall not drive a commercial motor vehicle.

1989, c. 705, § 46.1-372.32.

Article 7. Form of Licenses; Identity Documents Issued by Department

§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document

A. Every license issued under this chapter shall bear:

1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned by the Department to the licensee and shall not be the same as the licensee's social security number;
2. A photograph of the licensee;
3. The licensee's full name, year, month, and date of birth;
4. The licensee's address, subject to the provisions of subsection B;
5. A brief description of the licensee for the purpose of identification;
6. A space for the signature of the licensee; and
7. Any other information deemed necessary by the Commissioner for the administration of this title.

No abbreviated names or nicknames shall be shown on any license.

B. At the option of the licensee, the address shown on the license may be either the post office box, business, or residence address of the licensee, provided such address is located in Virginia.

However, regardless of which address is shown on the license, the licensee shall supply the Department with his residence address, which shall be an address in Virginia. This residence address shall be maintained in the Department's records. Whenever the licensee's address shown either on his license or in the Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

D. The license shall be made of a material and in a form to be determined by the Commissioner.

E. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. The Department shall establish a method by which an applicant for a driver's license or an identification card may indicate his consent to make an anatomical gift for transplantation, therapy, research, and education pursuant to § 32.1-291.5, and shall cooperate with the Virginia Transplant Council to ensure that such method is designed to encourage organ, tissue, and eye donation with a minimum of effort on the part of the donor and the Department.

G. If an applicant indicates his consent to be a donor pursuant to subsection F, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record. The notation shall remain on the individual's license or card until he revokes his consent to make an anatomical gift by requesting removal of the notation from his license or card or otherwise in accordance with § 32.1-291.6. Inclusion of a notation indicating consent to making an organ donation on an applicant's license or card pursuant to this subsection shall be sufficient legal authority for removal, following death, of the subject's organs or tissues without additional authority from the donor or his family or estate, in accordance with the provisions of § 32.1-291.8.

H. A minor may make a donor designation pursuant to subsection F without the consent of a parent or legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

I. The Department shall provide a method by which an applicant conducting a Department of Motor Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

J. The Department shall collect all moneys contributed pursuant to subsection I and transmit the moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.

K. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant (i) is an insulin-dependent diabetic, (ii) is deaf or hard of hearing or speech impaired, (iii) has a traumatic brain injury, or (iv) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17. Any request for a traumatic brain injury indicator on an applicant's driver's license shall be accompanied by a form prescribed by the Commissioner and completed by a licensed physician.

L. In the absence of gross negligence or willful misconduct, the Department and its employees shall be immune from any civil or criminal liability in connection with the making of or failure to make a notation of donor designation on any license or card or in any person's driver record.

M. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor information brochure describing the organ donor program and providing instructions for completion of the uniform donor document information describing the bone marrow donation program and instructions for registration in the National Bone Marrow Registry. The Department shall include a copy of such brochure with every driver's license renewal notice or application mailed to licensed drivers in Virginia.

N. The Department shall establish a method by which an applicant for an original, reissued, or renewed driver's license may indicate his blood type. If the applicant chooses to indicate his blood type, the Department shall make a notation of this designation on his license and in his record. Such notation on the driver's license shall only be used by emergency medical services agencies in providing emergency medical support. Upon written request of the license holder or his legal guardian to have the designation removed, the Department shall issue the driver's license without such designation upon the payment of applicable fees.

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the driver's license. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on a driver's license, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

Code 1950, § 46-370; 1958, c. 541, § 46.1-375; 1962, c. 368; 1968, c. 642; 1972, c. 538; 1976, c. 57; 1979, c. 124; 1982, c. 180; 1983, c. 608; 1984, c. 780; 1989, cc. 139, 705, 727; 1990, c. 159; 1993, cc. 118, 986; 1995, cc. 350, 372; 1997, c. 486; 1998, c. 322; 1999, c. 330; 2000, c. 810; 2001, cc. 148, 157; 2002, cc. 135, 767, 834; 2003, cc. 306, 335; 2005, cc. 259, 828; 2007, cc. 92, 907; 2008, c. 82; 2009, cc. 834, 872; 2010, cc. 25, 55; 2014, c. 702; 2016, cc. 135, 743; 2019, c. 288; 2020, c. 545; 2022, c. 796.

§ 46.2-343. Duplicate driver's license, reissued driver's licenses, learner's permit; fees

If a driver's license or learner's permit issued under the provisions of this chapter is lost, stolen, or destroyed, the person to whom it was issued may obtain a duplicate or substitute thereof on furnishing proof satisfactory to the Department that his license or permit has been lost, stolen, or destroyed, or that there are good reasons why a duplicate should be issued. Every applicant for a duplicate or reissued driver's license shall appear in person before the Department to apply,

unless permitted by the Department to apply for duplicate or reissue in another manner. Applicants who are required to apply in person may be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

There shall be a fee of \$5 for each duplicate license and \$2 for each duplicate learner's permit.

There shall be a fee of \$5 for reissuance of any driver's license upon the termination of driving restrictions imposed upon the licensee by the Department or a court.

Code 1950, § 46-374; 1958, c. 541, § 46.1-379; 1968, c. 642; 1976, c. 48; 1982, c. 202; 1984, c. 780; 1989, c. 727; 1995, c. 468; 1997, c. 486; 1999, c. 593; 2009, c. 872; 2020, cc. 1227, 1246.

§ 46.2-344. Temporary driver's permit

The Department, upon determining, after an examination, that an applicant is mentally, physically, and otherwise qualified to receive a license, may issue to him a temporary driver's permit entitling him, while having the permit in his immediate possession, to drive a motor vehicle on the highways. The temporary driver's permit shall be valid until receipt of the driver's license but in no case shall be valid for more than 90 days from the date of issuance.

Code 1950, § 46-372; 1958, c. 541, § 46.1-377; 1984, c. 780; 1989, c. 727; 2009, c. 872.

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties

A. On the application of any person who is a resident of the Commonwealth, the parent of any such person who is under the age of 18, or the legal guardian of any such person, the Department shall issue a special identification card to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the application form;
2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;
3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card; and
4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card without a photograph.

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular fees for special identification cards.

B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card is \$2 per year, with a \$10 minimum fee. Persons 21 years old or older may be issued a scenic special identification card for an additional fee of \$5.

C. Every special identification card shall expire on the applicant's birthday at the end of the period of years for which a special identification card has been issued. At no time shall any special identification card be issued for less than three nor more than eight years, except under

the provisions of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. Any special identification card issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card shall appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon application for a special identification card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an application for the issuance of a special identification card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

I. Any person who uses a false or fictitious name or gives a false or fictitious address in any

application for an identification card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

J. The Department shall utilize the various communications media throughout the Commonwealth to inform Virginia residents of the provisions of this section and to promote and encourage the public to take advantage of its provisions.

K. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ [9.1-900](#) et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § [18.2-472.1](#) in the jurisdiction in which the person made application for the special identification card.

L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card that the applicant has any condition listed in subsection K of § [46.2-342](#) or that the applicant is blind or vision impaired.

M. The Department shall establish a method by which an applicant for an original, reissued, or renewed special identification card may indicate his blood type. If the applicant chooses to indicate his blood type, the Department shall make a notation of this designation on his special identification card and in his record. Such notation on the special identification card shall only be used by emergency medical services agencies in providing emergency medical support. Upon written request of the license holder or his legal guardian to have the designation removed, the Department shall issue the special identification card without such designation upon the payment of applicable fees.

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the special identification card. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on a special identification card, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

1973, c. 214, § 46.1-383.3; 1975, c. 549; 1981, cc. 593, 594; 1982, c. 180; 1983, c. 608; 1984, c. 780; 1989, c. 727; 1993, cc. 471, 501; 1997, c. [486](#); 1998, c. [322](#); 1999, c. [593](#); 2002, cc. [767](#), [834](#); 2005, cc. [259](#), [260](#), [281](#), [665](#), [828](#); 2006, cc. [857](#), [914](#); 2009, c. [872](#); 2012, cc. [215](#), [222](#); 2014, c. [702](#); 2015, c. [167](#); 2016, cc. [135](#), [743](#); 2017, c. [122](#); 2019, cc. [75](#), [832](#); 2020, cc. [544](#), [829](#); 2021, Sp. Sess. I, c. [319](#); 2022,

c. 796.

§ 46.2-345.1. Repealed

Repealed by Acts 2018, c. 440, cl. 2.

§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality; penalties

A. On the application of any person with a sincerely held religious belief prohibiting the taking of a photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department shall issue a special identification card without a photograph to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the application form;
2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;
3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian presents an approved and signed IRS Form 4029; and
4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card.

B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card without a photograph is \$2 per year, with a \$10 minimum fee.

C. Every special identification card without a photograph shall expire on the applicant's birthday at the end of the period of years for which a special identification card without a photograph has been issued. At no time shall any special identification card without a photograph be issued for more than eight years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for re-issue due to circumstances beyond its control or (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. A special identification card without a photograph issued under this section may be similar in size, shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be readily distinguishable from a driver's license and shall clearly state that federal limits apply, that the card is not valid identification to vote, and that the card does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card without a photograph shall appear in person before the Department to apply for a duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card shall be surrendered for a special identification card without a photograph without the

applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special identification card is unexpired and has not been revoked, suspended, or canceled. The special identification card without a photograph shall be considered a reissue, and the expiration date shall be the last day of the month of the surrendered driver's license's or special identification card's month of expiration.

F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an application for the issuance of a special identification card without a photograph is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

G. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a special identification card without a photograph or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the special identification card without a photograph is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card without a photograph that the applicant has any condition listed in subsection K of § 46.2-342.

I. The Department shall establish a method by which an applicant for an original, reissued, or renewed special identification card without a photograph may indicate his blood type. If the applicant chooses to indicate his blood type, the Department shall make a notation of this designation on his special identification card without a photograph and in his record. Such notation on the special identification card without a photograph shall only be used by emergency medical services agencies in providing emergency medical support. Upon written request of the license holder or his legal guardian to have the designation removed, the Department shall issue the special identification card without a photograph without such designation upon the payment of applicable fees.

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the special identification card without a photograph. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on a special identification card without a photograph, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

J. Unless the Code specifies that a photograph is required, a special identification card without a photograph shall be treated as a special identification card.

2019, c. [832](#);2020, c. [544](#);2022, c. [796](#);2024, cc. [474](#), [497](#).

§ 46.2-345.3. Issuance of identification privilege cards; fee; confidentiality; penalties

A. Upon application of any person who does not hold a status that is eligible for a special identification card under subsections A and B of § [46.2-328.1](#), the parent of any such person who is under the age of 18, or the legal guardian of any such person, the Department may issue an identification privilege card to any resident of the Commonwealth, provided that:

1. Application is made on a form prescribed by the Department;
2. The applicant presents, when required by the Department, proof of identity, residency, and social security number or individual taxpayer identification number;
3. The Department determines that the applicant has reported income and deductions from Virginia sources, as defined in § [58.1-302](#), or has been claimed as a dependent, on an individual income tax return filed with the Commonwealth in the preceding 12 months; and
4. The applicant does not hold a credential issued under this chapter.

Persons 70 years of age or older may exchange a valid Virginia driver privilege card for an identification privilege card at no fee. Identification privilege cards subsequently issued to such persons shall be subject to the regular fees for identification privilege cards.

B. The fee for the issuance of an original, duplicate, reissue, or renewal identification privilege card is \$25. The amount paid by an applicant for an identification privilege card shall be considered privileged information for the purposes of § [46.2-208](#).

C. An original identification privilege card shall expire on the applicant's fourth birthday following the date of issuance. Duplicate, reissue, or renewal identification privilege cards shall be valid for a period of four years from the date of issuance. No applicant shall be required to provide proof of compliance with subdivision A 3 for a duplicate, reissue, or renewal identification privilege card. Those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday.

Notwithstanding the provisions of this subsection, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control and (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. An identification privilege card issued under this section may be similar in size, shape, and design to a driving credential and include a photograph of its holder, but the card shall be readily distinguishable from a driving credential and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for an identification privilege card shall appear in person before the Department to apply for a renewal, duplicate, or reissue unless specifically permitted by the Department to apply in another manner. The front of an identification privilege card shall be identical in appearance to a special identification card issued under § [46.2-345](#), and the back of the card shall be identical in appearance to the restriction on the back of a limited-duration special identification card.

E. Identification privilege cards, for persons at least 15 years old but younger than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or

older. Distinguishing characteristics shall include unique design elements of the credential and descriptors within the photograph area to identify persons who are at least 15 years old but younger than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Identification privilege cards for persons under age 15 shall bear a full-face photograph. The identification card issued to persons under age 15 shall be readily distinguishable from a driving credential and from other identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Any information collected pursuant to this section that is not otherwise collected by the Department or required for the issuance of any other special identification card issued pursuant to the provisions of this chapter and any information regarding restrictions in the Department's records related to the issuance of a credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information or pursuant to a court order.

The Department shall release to any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of any of the foregoing, information related to the issuance of an identification privilege card, the release of which is not otherwise prohibited by this section, that is required for a requester to carry out the requester's official functions if the requester provides the individual's name and other sufficient identifying information contained on the individual's record. Any such release shall be in accordance with the requirements of § 46.2-208.

H. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification privilege card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

I. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's identification privilege card that the applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

J. The Department shall establish a method by which an applicant for an original, reissued, or renewed identification privilege card may indicate his blood type. If the applicant chooses to indicate his blood type, the Department shall make a notation of this designation on his identification privilege card and in his record. Such notation on the special identification card shall only be used by emergency medical services agencies in providing emergency medical support. Upon written request of the license holder or his legal guardian to have the designation removed, the Department shall issue the identification privilege card without such designation upon the payment of applicable fees.

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the identification privilege card. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on an identification privilege card, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

K. Unless the context of the Code provides otherwise, an identification privilege card shall be treated as a special identification card.

2021, Sp. Sess. I, c. [544](#);2022, c. [796](#).

Article 8. Prohibited Uses of Driver's Licenses

§ 46.2-346. Unlawful acts enumerated

A. No person shall:

1. Display, cause or permit to be displayed, or have in his possession any driver's license which he knows to be fictitious or to have been cancelled, revoked, suspended, or altered, or photographed for the purpose of evading the intent of this chapter;
2. Lend to, or knowingly permit the use of by one not entitled thereto, any driver's license issued to the person so lending or permitting the use thereof;
3. Display or represent as his own any driver's license not issued to him;
4. Reproduce by photograph or otherwise, any credential issued under this chapter with the intent to commit an illegal act;
5. Fail or refuse to surrender to the Department, on demand, any driver's license issued in the Commonwealth or any other state when the license has been suspended, cancelled, or revoked by proper authority in the Commonwealth, or any other state as provided by law, or to fail or refuse to surrender the suspended, cancelled, or revoked license to any court in which a driver has been tried and convicted for the violation of any law or ordinance of the Commonwealth or any county, city, or town thereof, regulating or affecting the operation of a motor vehicle.

B. Any law-enforcement officer empowered to enforce the provisions of this title may retain any driver's license held in violation of this section and shall submit the license to the appropriate court for evidentiary purposes.

Code 1950, § 46-380; 1958, c. 541, § 46.1-384; 1962, c. 368; 1984, c. 780; 1988, c. 323; 1989, c. 727; 2004, c. [722](#);2021, Sp. Sess. I, c. [544](#).

§ 46.2-347. Fraudulent use of driver's license or Department of Motor Vehicles identification card to obtain alcoholic beverages; penalties

Any underage person as specified in § [4.1-304](#) who knowingly uses or attempts to use a forged, deceptive or otherwise nongenuine driver's license issued by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any foreign country or government; United States Armed Forces identification card; United States passport or foreign government visa; Virginia Department of Motor Vehicles special identification card;

official identification issued by any other federal, state or foreign government agency; or official student identification card of an institution of higher education to obtain alcoholic beverages shall be guilty of a Class 3 misdemeanor, and upon conviction of a violation of this section, the court shall revoke such convicted person's driver's license or privilege to drive a motor vehicle for a period of not less than 30 days nor more than one year.

1980, c. 519, § 46.1-384.1; 1981, c. 24; 1983, c. 473; 1984, c. 780; 1985, c. 559; 1989, c. 727; 1992, c. 531; 1993, c. 866.

§ 46.2-348. Fraud or false statements in applications for license; penalties

Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a driver's license or escort vehicle driver certificate, or any renewal or duplicate thereof, or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud during the driver's license examination, including for a commercial driver's license or commercial learner's permit, or in his application is guilty of a Class 2 misdemeanor. However, where the license is used, or the fact concealed, or fraud is done, with the intent to purchase a firearm or use as proof of residency under § 9.1-903, a violation of this section shall be punishable as a Class 4 felony.

Code 1950, § 46-381; 1958, c. 541, § 46.1-385; 1981, c. 593; 1984, c. 780; 1989, c. 727; 1993, cc. 471, 501; 2006, cc. 857, 914; 2013, cc. 165, 312, 477, 582; 2014, cc. 77, 803; 2015, c. 258.

§ 46.2-349. Unlawful to permit violations of chapter

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or in violation of any of the provisions of this chapter.

Code 1950, § 46-384; 1958, c. 541, § 46.1-386; 1989, c. 727.

§ 46.2-350. Penalty for violation

Notwithstanding § 46.2-113, except as otherwise provided any violation of any provision of this chapter not declared to be a felony shall constitute a Class 2 misdemeanor.

Code 1950, § 46-385; 1958, c. 541, § 46.1-387; 1989, c. 727.

Article 9. Habitual Offenders

§§ 46.2-351 through 46.2-355. Repealed

Repealed by Acts 1999, cc. 945, 987.

§§ 46.2-355.1 through 46.2-363. Repealed

Repealed by Acts 2021, Sp. Sess. I, c. 463, cl. 2, effective July 1, 2021.

Article 10. Driver Responsibilities, Generally

§ 46.2-364. Definitions

For the purposes of this chapter, unless a different meaning is clearly required by the context:

"Conviction" means conviction on a plea of guilty or the determination of guilt by a jury or by a court though no sentence has been imposed or, if imposed, has been suspended and includes a forfeiture of bail or collateral deposited to secure appearance in court of the defendant unless the

forfeiture has been vacated, in any case of a charge, the conviction of which requires or authorizes the Commissioner to suspend or revoke the license of the defendant;

"Insured" means the person in whose name a motor vehicle liability policy has been issued, as defined in this section, and any other person insured under its terms;

"Judgment" means any judgment for \$350 or more arising out of (i) a civil action filed pursuant to § 15.2-1716 or (ii) a motor vehicle accident because of injury to or destruction of property, including loss of its use, or any judgment for damages, including damages for care and loss of services, because of bodily injury to or death of any person arising out of the ownership, use or operation of any motor vehicle, including any judgment for contribution between joint tortfeasors arising out of any motor vehicle accident which occurred within the Commonwealth, except a judgment rendered against the Commonwealth, which has become final by expiration without appeal in the time within which an appeal might be perfected or by final affirmance on appeal rendered by a court of competent jurisdiction of the Commonwealth or any other state or court of the United States or Canada or its provinces;

"Motor vehicle" means every vehicle which is self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn by a motor vehicle and includes every device in, on or by which any person or property is or can be transported or drawn on a highway, except devices moved by human or animal power and devices used exclusively on rails or tracks, and vehicles used in the Commonwealth but not required to be licensed by the Commonwealth;

"Motor vehicle liability policy" means an owner's or a driver's policy of liability insurance certified, as provided in this chapter, by an insurance carrier licensed to do business in the Commonwealth or by an insurance carrier not licensed to do business in the Commonwealth on compliance with the provisions of this chapter, as proof of financial responsibility.

Code 1950, § 46-387; 1958, c. 541, § 46.1-389; 1989, c. 727; 1996, cc. 474, 489; 2002, c. 289; 2010, c. 343.

§ 46.2-365. Plaintiff not prevented from relying upon other legal process

This article shall not prevent the plaintiff in any action at law from relying upon any other process provided by law.

Code 1950, § 46-389; 1958, c. 541, § 46.1-391; 1989, c. 727.

§ 46.2-366. Partial application to certain motor vehicles

This chapter, except its provisions as to the requirements of making reports of motor vehicle accidents and as to the filing of proof of financial responsibility by a common carrier for its drivers, shall not apply to any motor vehicle:

1. Operated under a certificate of convenience and necessity issued by the State Corporation Commission, if public liability and property damage insurance for the protection of the public is required to be carried on it, or
2. Owned by the Commonwealth.

Code 1950, § 46-390; 1958, c. 541, § 46.1-392; 1989, cc. 705, 727.

§ 46.2-367. Persons included within scope of chapter

Persons who have, by any law of the Commonwealth, been required to file proof of financial

responsibility are included within the scope of this chapter. Persons who have been convicted of violations of any law of the Commonwealth or law of any other state or county, city, or town ordinance of either or a federal law pertaining to the driver or driving of motor vehicles or of violations of any provisions of this title are also included.

Code 1950, § 46-391; 1958, c. 541, § 46.1-393; 1989, c. 727.

§ 46.2-368. Certificate of self-insurance exempts from chapter

A. This chapter, except §§ [46.2-371](#) through [46.2-373](#), shall not apply to any person who has registered in his name in the Commonwealth more than twenty motor vehicles, nor to any person operating more than twenty vehicles whether as owner or as lessee, if the person seeking exemption under this section obtains from the Commissioner a certificate of self-insurance as provided in subsection B of this section.

B. The Commissioner may, in his discretion and on the application of such a person, issue a certificate of self-insurance when he is reasonably satisfied (i) that the person has and will continue to have financial ability to respond to a judgment as provided in this chapter, obtained against the person, arising out of the ownership, maintenance, use, or operation of his motor vehicles and (ii) that the certificate provides for protection against the uninsured or underinsured motorist to the extent required by § [38.2-2206](#). However, protection against the uninsured or underinsured motorist required under this section shall not exceed the financial requirements of § [46.2-472](#) and shall be secondary coverage to any other valid and collectible insurance providing the same protection which is available to any person otherwise entitled to assert a claim to such protection by virtue of this section.

C. No holder of a certificate of self-insurance shall be liable to pay any judgment arising out of the use or operation of any motor vehicle covered by such certificate by a person who used or operated the vehicle without the permission of the owner of such vehicle; nor shall any holder of a certificate of self-insurance be liable to pay any judgment arising out of the use or operation of any motor vehicle covered by such certificate by a permissive user of such vehicle, where the permissive user has prejudicially failed to cooperate in the defense of the claim which resulted in the judgment. This subsection shall only apply to a holder of a certificate of self-insurance who has provided notice of its intention to rely on the provisions of this subsection as set forth in § [38.2-2226](#).

D. On due notice and hearing, the Commissioner may, in his discretion and on reasonable grounds, cancel a certificate of self-insurance.

Code 1950, § 46-393; 1958, c. 541, § 46.1-395; 1972, c. 463; 1989, c. 727; 1991, c. 374; 1995, c. [85](#); 1997, c. [553](#).

§ 46.2-369. Commissioner to administer and enforce chapter; regulations; summoning witnesses and taking testimony

The Commissioner shall administer and enforce the provisions of this chapter and he may adopt regulations for its administration. He may issue subpoenas for witnesses to attend, administer oaths, and take testimony in, the hearings provided in this chapter for the purpose of finding whether driver's licenses, license plates, or registrations should be suspended or revoked. If any person fails or refuses to obey the subpoena, or to give testimony, the Commissioner shall notify the circuit or district court of the county or city in which the hearing is or was to have been held. On receipt of the notice, the court shall, by appropriate process, compel his attendance or

testimony or both, to the same extent that it could be required in a proceeding in the court.

Code 1950, § 46-394; 1952, c. 670; 1958, c. 541, § 46.1-396; 1984, c. 780; 1989, c. 727.

§ 46.2-370. Revoked driver's licenses, special identification cards, certificates of title, license plates, registration cards to be returned; Commissioner may take possession of them

A. Any person whose driver's license, special identification card, certificate of title, registration card, or license plates have been suspended, cancelled, or revoked as provided in this title or in Title 18.2 and have not been reinstated, shall immediately return every such license, unless it has been surrendered to the court as required by law, special identification card, certificate of title, registration card, and set of license plates or decals held by him to the Commissioner.

B. The Commissioner may take possession of any driver's license, special identification card, certificate of title, registration card, or set of license plates or decals on their suspension, cancellation, or revocation under the provisions of this title or in Title 18.2 or may direct any law-enforcement officer to take possession of and return them to the office of the Commissioner. Whenever any person fails or refuses to surrender a driver's license, special identification card, certificate of title, registration card, license plates, or decals requiring a representative of the Department designated by the Commissioner to serve the order of suspension, cancellation, or revocation, or whenever the Department directs a sheriff to effect service of a decision, order, or notice pursuant to § 46.2-416, the person sought to be served shall, in addition to any other required statutory fees, pay a fee of ten dollars to partially defray the cost of administration incurred by the Department and the Commissioner. No such revoked, cancelled, or suspended license, special identification card, certificate of title, or registration items shall be reinstated before the ten-dollar fee is paid. All fees collected under the provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

Code 1950, § 46-395; 1958, cc. 322, 541, § 46.1-397; 1976, c. 156; 1981, c. 619; 1984, c. 780; 1987, c. 696; 1989, c. 727; 1992, c. 99.

Article 11. Accident Reports

§ 46.2-371. Driver to give immediate notice of certain accidents

The driver of any vehicle involved in any accident resulting in injury to or death of any person, or some person acting for him, shall immediately give notice of the accident to a law-enforcement officer. A willful failure to make the report required in this section shall constitute a Class 4 misdemeanor.

Code 1950, § 46-397; 1958, c. 541, § 46.1-399; 1989, c. 727.

§ 46.2-372. Driver to report certain accidents in writing; certification of financial responsibility to Department; supplemental reports; reports by witnesses

A. Any person involved in an accident (i) resulting in injury to or death of any person or property damage, or (ii) when there is reason to believe a motor vehicle involved in the accident was uninsured at the time of the accident, may make a written report of it to the Commissioner, on a form prescribed by the Department.

B. If any accident report filed pursuant to the provisions of this article is alleged to be false or inaccurate, the Commissioner shall withhold any action under this section or imposition of any

penalty and shall investigate and determine the true circumstances of the accident, including a determination of the identity of the parties involved.

C. For the purposes of this article the definitions provided in subsection B of § 38.2-2206 shall apply.

D. The Commissioner shall require the owner of a motor vehicle involved in any accident of which report is made pursuant to this section to provide information relating to certification of insurance or bond if there was in effect at the time of the accident with respect to the motor vehicle involved:

1. A standard provisions automobile liability policy in form approved by the State Corporation Commission and issued by an insurance carrier authorized to do business in the Commonwealth or, if the motor vehicle was not registered in the Commonwealth or was a motor vehicle which was registered elsewhere than in the Commonwealth at the effective date of the policy, or at its most recent renewal, an automobile liability policy acceptable to that Commission as substantially the equivalent of a standard provisions automobile liability policy; in either event, every automobile liability policy is subject to the limits provided in § 46.2-472.

2. Any other form of liability insurance policy issued by an insurance carrier authorized to do business in the Commonwealth or by a bond; provided that every such policy or bond mentioned herein is subject to limits set out in § 46.2-472.

E. The Commissioner shall forward the certification of insurance or bond to the insurance company or surety company, whichever is applicable, for verification as to whether or not the policy or bond certified was applicable to any liability that may arise out of the accident as to the named insured. A copy of the certification of insurance or bond shall be retained by the Commissioner and shall be disclosed pursuant to § 46.2-380.

Code 1950, § 46-398; 1958, c. 541, § 46.1-400; 1966, c. 130; 1972, c. 442; 1974, c. 453; 1975, c. 553; 1978, c. 205; 1979, c. 228; 1982, c. 221; 1986, c. 639; 1989, c. 727.

§ 46.2-373. Report by law-enforcement officer investigating accident

A. Every law-enforcement officer who in the course of duty investigates a motor vehicle accident resulting in injury to or death of any person or total property damage to an apparent extent of \$1,500 or more, either at the time of and at the scene of the accident or thereafter and elsewhere, by interviewing participants or witnesses shall, within twenty-four hours after completing the investigation, forward a written report of the accident to the Department. The report shall include the name or names of the insurance carrier or of the insurance agent of the automobile liability policy on each vehicle involved in the accident. A law-enforcement agency may utilize a contracted service provider to forward reports electronically to the Department in compliance with this section and to manage or disseminate copies of such reports to persons identified in, and in a manner consistent with, § 46.2-380, provided such contracted service provider complies with the requirements applicable to an agency in Chapter 38 (§ 2.2-3800 et seq.) of Title 2.2.

B. Any report filed pursuant to subsection A of this section shall include information as to (i) the speed of each vehicle involved in the accident and (ii) the type of vehicles involved in all accidents between passenger vehicles and vehicles or combinations of vehicles used to transport property, and (iii) whether any trucks involved in such accidents were covered or uncovered.

C. The Department shall supply copies of accident reports received under this section to the

Commissioner of Highways who shall exercise the authority granted to him under §§ 46.2-870 through 46.2-878 to reduce speed limits where accident frequency or severity or other factors may indicate the course of action to be warranted.

Code 1950, § 46-399; 1958, c. 541, § 46.1-401; 1975, c. 553; 1986, c. 639; 1988, cc. 662, 897; 1989, c. 727; 1992, cc. 149, 413; 2009, c. 1; 2024, cc. 79, 80.

§ 46.2-373.1. Report of law-enforcement officer involved in accident

Notwithstanding the provisions of § 46.2-208, any law-enforcement officer, as defined in § 9.1-101, who is named as a driver in a motor vehicle accident on a report submitted to the Department pursuant to § 46.2-373 shall not have the accident displayed on his driving record if he was driving a motor vehicle provided by a law-enforcement agency in the course of his employment and was operating the motor vehicle in the performance of his official duties at the time of such accident. The driving record of such law-enforcement officer involved in an accident in the course of his employment shall not contain any information of an accident submitted pursuant to § 46.2-373.

2017, cc. 800, 821.

§ 46.2-374. Department to prepare and supply forms for reports

The Department shall prepare and, on request, supply to police departments, medical examiners or other officials exercising like functions, sheriffs, and other suitable agencies forms for accident reports and other reports required to be made to the Department, appropriate with respect to the persons required to make the reports and the purpose to be served. The forms for accident reports shall include suitable spaces for the name or names of the insurance carrier of the automobile liability policy of each vehicle involved in the accidents as required to be reported by § 46.2-373.

Code 1950, § 46-401; 1958, c. 541, § 46.1-403; 1975, c. 553; 1986, c. 639; 1989, c. 727.

§ 46.2-375. Reports by medical examiners of deaths resulting from accidents

Every person holding the office of medical examiner shall report to the Commissioner: (i) the death of a person in his jurisdiction as a result of a motor vehicle accident, immediately after learning of the death; (ii) on or before the tenth day of each month, all deaths resulting from motor vehicle accidents during the preceding calendar month. These reports shall be made in the form prescribed by the Commissioner.

Code 1950, §§ 46-402, 46-404; 1958, c. 541, § 46.1-404; 1985, c. 10; 1989, c. 727.

§ 46.2-376. Report required of person in charge of garage or repair shop

The person in charge of any garage or repair shop to which is brought any motor vehicle (i) that shows evidence of having been involved in a serious motor vehicle accident or (ii) with evidence of bloodstains shall report to the nearest police station or to the State Police, within twenty-four hours after the motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of the vehicle if known. Reports required by this section shall be made upon forms furnished by the Superintendent of State Police.

Code 1950, §§ 46-405, 46-406; 1958, c. 541, § 46.1-406; 1989, c. 727.

§ 46.2-377. Reports made by garages to be without prejudice and confidential; exceptions

All accident reports made by garages pursuant to this article shall be without prejudice to the

individual so reporting and shall be for the confidential use of the State Police, local law-enforcement agencies, or by agencies having use for the records for accident prevention purposes.

Code 1950, § 46-407; 1958, c. 541, § 46.1-407; 1986, c. 639; 1989, c. 727.

§ 46.2-378. Extent to which reports may be used as evidence

No report submitted pursuant to this article shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department shall furnish, on demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department, solely to prove compliance or noncompliance with the requirement that the report be made to the Department.

Code 1950, § 46-408; 1958, c. 541, § 46.1-408; 1989, c. 727.

§ 46.2-379. Use of crash reports made by investigating officers

All crash reports made by investigating officers shall be for the confidential use of the Department and of other state agencies for accident prevention purposes and shall not be used as evidence in any trial, civil or criminal, arising out of any accident. If otherwise authorized by law, the Department may disclose from the reports, on request of any person, the date, time, and location of the accident and the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, the witnesses, and one investigating officer. A law-enforcement agency may release nonpersonally identifiable vehicle information from crash reports to a contracted service provider.

Code 1950, § 46-409; 1952, c. 544; 1958, c. 541, § 46.1-409; 1986, c. 639; 1989, c. 727; 2014, cc. [77](#), [803](#); 2024, cc. [79](#), [80](#).

§ 46.2-380. Reports made under certain sections open to inspection by certain persons; copies; maintenance of reports and photographs for three-year period

A. Any report of a crash made pursuant to § [46.2-372](#), [46.2-373](#), [46.2-375](#), or [46.2-377](#) shall be maintained by the Department in either hard copy or electronic form for a period of at least 36 months from the date of the crash. The report shall be open to the inspection of (i) any person involved or injured in the crash or as a result thereof, or his attorney, or any person who, at the time of the crash, owned a vehicle or property involved in the crash, or his attorney, (ii) any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the crash or to which the person has applied for issuance or renewal of a policy of automobile insurance, or (iii) the FMCSA or any authorized agent thereof. The Commissioner shall, upon written request of the person authorized to inspect the report, furnish a copy of the report, in either hard copy or electronic form, at the expense of the requester. Any such report shall also be open to inspection by the personal representative of any person injured or killed in the crash, including his guardian, conservator, executor, committee, next of kin as defined in § [54.1-2800](#), or administrator, or, if the person injured or killed is under 18 years of age, his parent or guardian. The Commissioner shall only be required to furnish under this section copies of reports required by the provisions of this article to be made directly to the Commissioner. The Commissioner may set a reasonable fee for furnishing a copy of any report, provide to whom payment shall be made, and establish a procedure for payment.

B. The Commissioner or Superintendent of State Police having a copy of any photograph taken by

a law-enforcement officer relating to a nonfatal crash shall maintain the negatives for or an electronic record of such photographs in their records for at least 36 months from the date of the crash.

Code 1950, § 46-410; 1956, c. 648; 1958, c. 541, § 46.1-410; 1975, c. 21; 1976, c. 40; 1978, c. 829; 1986, c. 639; 1989, cc. 302, 727; 1997, c. 801; 1998, c. 522; 2013, cc. 80, 104; 2015, c. 171; 2019, c. 750; 2020, c. 701; 2023, cc. 601, 602.

§ 46.2-381. Accident reports required by county or municipal ordinance; copies

Any county, city, or town may, by ordinance, require that the driver of a vehicle involved in an accident file with a designated department a report of the accident. These reports shall be for the confidential use of the department and subject to the provisions of this article. The county, city, or town may, by ordinance, require the designated department to make the reports, including the report of the law-enforcement officer, and including any photographs taken by law-enforcement officers, available for inspection by any person involved or injured in the accident or his attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident. The county, city, or town may, by ordinance, prescribe fees to be charged for copies of the reports and photographs and require the designated department to furnish copies of the reports and photographs, after payment of the prescribed fees, to any such person, attorney, or authorized representative.

Code 1950, § 46-413; 1954, c. 393; 1956, c. 703; 1958, c. 541, § 46.1-411; 1962, c. 458; 1986, c. 639; 1989, c. 727.

§ 46.2-382. Courts to keep full records of certain cases

A. Every district court or circuit court or the clerk thereof shall keep a full record of every case in which:

1. A person is charged with (i) a violation of any law of the Commonwealth pertaining to the operator or operation of a motor vehicle or commercial motor vehicle as defined in § 46.2-341.4; (ii) a violation of any ordinance of any county, city, or town pertaining to the operator or operation of any motor vehicles, except parking regulations; (iii) any theft of a motor vehicle or unauthorized use thereof or theft of any part attached to it; (iv) a violation of § 18.2-36.2, subsection B of § 29.1-738, or § 29.1-738.02, 29.1-738.2, or 29.1-738.4; or (v) a violation or offense involving the use of a motor vehicle or commercial motor vehicle by a person holding a commercial learner's permit or commercial driver's license in the commission of any felony involving manufacturing, distributing, or dispensing a controlled substance or possession with intent to manufacture, distribute, or dispense such controlled substance;
2. A person is charged with manslaughter or any other felony in the commission of which a motor vehicle was used; or
3. There is rendered a judgment for damages, the rendering and nonpayment of which under the terms of this title require the Commissioner to suspend the driver's license and registration in the name of the judgment debtor.

B. The Department and every district court or circuit court or the clerk thereof (i) shall not reduce, dismiss, defer, or otherwise conceal the conviction of any person charged with any offense committed while operating a commercial motor vehicle as defined in § 46.2-341.4 or any holder of a commercial driver's license or a commercial driver's permit charged with any offense

committed while operating a noncommercial motor vehicle and (ii) shall comply with all federal laws and regulations regarding such convictions, including 49 C.F.R. § 384.226.

Code 1950, §§ 46-195, 46-414; 1952, c. 188; 1954, c. 168; 1958, c. 541, § 46.1-412; 1966, c. 533; 1984, c. 780; 1989, c. 727; 1998, c. 147; 2005, c. 376; 2019, c. 750; 2021, Sp. Sess. I, c. 136.

§ 46.2-382.1. Courts to make findings relating to commercial motor vehicles

For the purpose of enforcing the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), in any case in which a person is charged with a violation of any law of the Commonwealth or of any ordinance of any county, city or town pertaining to the operator or operation of a motor vehicle, except parking violations, and the warrant or summons indicates that the motor vehicle so operated was a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act, or that it was a commercial motor vehicle carrying hazardous materials as defined by the Virginia Commercial Driver's License Act, the court hearing such case shall make a finding, which shall be noted on the record, as to whether such vehicle was in fact a commercial motor vehicle and, if applicable, whether such vehicle was carrying hazardous materials.

If the offense charged is one in which operation of a commercial motor vehicle is an element of the offense, the conviction of the offense shall constitute the court's finding that the vehicle was a commercial motor vehicle, but a separate finding shall be made as to whether such vehicle was carrying hazardous materials, if applicable. If the offense charged is one in which operation of a commercial motor vehicle is not an element of the offense, then the court, after convicting the person charged, shall make a separate finding as to whether the vehicle was a commercial motor vehicle and, if applicable, whether it was carrying hazardous materials. The separate findings required by this section shall be noted on the conviction record, and the following procedures shall apply to such separate findings:

1. If the person charged prepays fines and costs pursuant to § 19.2-254.1, he shall be deemed to have admitted that such motor vehicle was a commercial motor vehicle and, if applicable, that it carried hazardous materials at the time of the violation, as indicated on the warrant or summons, and such admission or admissions shall be noted on the conviction record as the court's finding.
2. In all other cases, the Commonwealth shall have the burden of proving by a preponderance of the evidence that the vehicle was a commercial motor vehicle and, if applicable, that it carried hazardous materials.

1989, c. 705, § 46.1-412.1.

§ 46.2-383. Courts to forward abstracts of records or furnish abstract data of conviction by electronic means in certain cases; records in office of Department; inspection; clerk's fee for reports

A. In the event (i) a person is convicted of a charge described in subdivision A 1 or 2 of § 46.2-382 or § 46.2-382.1, (ii) a person forfeits bail or collateral or other deposit to secure the defendant's appearance on the charges, unless the conviction has been set aside or the forfeiture vacated, (iii) a court assigns a defendant to a driver education program or alcohol treatment or rehabilitation program, or both such programs, as authorized by § 18.2-271.1, (iv) compliance with the court's probation order is accepted by the court in lieu of a conviction under § 18.2-266 or the requirements specified in § 18.2-271 as provided in § 18.2-271.1, or (v) there is rendered a judgment for damages against a person as described in § 46.2-382, every district court or clerk of a circuit court shall forward an abstract of the record to the Commissioner within 18 days after

such conviction, forfeiture, assignment, or acceptance, and in the case of civil judgments, on the request of the judgment creditor or his attorney, within 30 days after judgment has become final. No abstract of the record in a district court shall be forwarded to the Commissioner unless the period allowed for an appeal has elapsed and no appeal has been perfected. On or after July 1, 2013, in the event that a conviction or adjudication has been nullified by separate order of the court, the clerk shall forward to the Commissioner an abstract of that record.

B. Abstract data of conviction may be furnished to the Commissioner by electronic means provided that the content of the abstract and the certification complies with the requirements of § 46.2-386. In cases where the abstract data is furnished by electronic means, the paper abstract shall not be required to be forwarded to the Commissioner. The Commissioner shall develop a method to ensure that all data is received accurately. The Commissioner, with the approval of the Governor, may destroy the record of any conviction, forfeiture, assignment, acceptance, or judgment, when three years has elapsed from the date thereof, except records of conviction or forfeiture on charges of reckless driving and speeding, which records may be destroyed when five years has elapsed from the date thereof, and further excepting those records that alone, or in connection with other records, will require suspension or revocation or disqualification of a license or registration under any applicable provisions of this title.

C. The records required to be kept may, in the discretion of the Commissioner, be kept by electronic media or by photographic processes and when so done the abstract of the record may be destroyed.

D. The Code section and description of an offense referenced in an abstract for any juvenile adjudication obtained from a district court or clerk of circuit court pursuant to subdivision A 9 of § 16.1-278.8, § 16.1-278.9, clause (iii) of subdivision A 1 of § 46.2-382, or any other provision of law that does not involve an offense referenced in subsection A or an offense involving the operation of a motor vehicle shall be available only to the person himself, his parent or guardian, law-enforcement officers, attorneys for the Commonwealth, and courts.

Code 1950, §§ 46-195, 46-414; 1952, c. 188; 1954, c. 168; 1958, c. 541, § 46.1-413; 1960, c. 179; 1966, c. 376; 1968, c. 335; 1972, c. 406; 1976, cc. 28, 336, 505; 1978, c. 134; 1979, c. 594; 1988, cc. 770, 852; 1989, cc. 705, 727; 2002, c. 258; 2013, c. 263; 2015, c. 478; 2020, cc. 964, 965.

§ 46.2-384. Law-enforcement officers arresting drivers for certain offenses to request abstracts or transcripts of drivers' conviction records

Every law-enforcement officer who has arrested any person for (i) driving while under the influence of intoxicants or drugs in violation of § 18.2-51.4 or § 18.2-266 or a parallel local ordinance, or § 46.2-341.24, (ii) reckless driving in violation of §§ 46.2-852 through 46.2-865 or a parallel local ordinance, (iii) failure to stop at the scene of an accident in violation of §§ 46.2-894 through 46.2-899 or a parallel local ordinance or (iv) driving without a license or while his license has been suspended or revoked in violation of § 18.2-51.4 or § 18.2-272, or §§ 46.2-300 through 46.2-302 or a parallel local ordinance or while he is disqualified in violation of § 46.2-341.21 of the Commercial Vehicle Driver's License Act (§ 46.2-341.1 et seq.), shall request from the Department an abstract or transcript of the person's driver's conviction record on file at the Department. The Department shall furnish the abstract or transcript to the attorney for the Commonwealth of the jurisdiction in which the case will be heard, to be held available for the court in which the person is to be tried for the violation or charge. However, the failure of the attorney for the Commonwealth to receive the abstract or transcript in any case shall not

constitute grounds for the granting of a continuance of such case. In any such prosecution wherein a necessary element of the offense charged is that the defendant was previously convicted of the same or similar offense, a copy, certified as provided in § 46.2-215, of (1) the abstract of the relevant prior conviction, certified as provided in § 46.2-386, or (2) that portion of the transcript relating to the relevant prior conviction, shall be prima facie evidence of the facts stated therein with respect to the prior offense.

1968, c. 335, § 46.1-413.1; 1976, c. 148; 1984, c. 780; 1988, c. 413; 1989, cc. 705, 727; 1992, c. 838; 1997, c. 691.

§ 46.2-385. Prosecuting attorneys to appear in certain cases

If requested by the judge trying the case, attorneys for the Commonwealth and all city and town attorneys whose general duties include the prosecution of offenses which are reportable by the courts to the Department under § 46.2-383, shall appear on behalf of the Commonwealth or the locality in any contested criminal case wherein a resulting conviction is required to be reported to the Department under § 46.2-383.

The failure of the attorney to appear shall, in no case, affect the validity of any conviction.

1968, c. 640, § 46.1-413.2; 1989, c. 727.

§ 46.2-386. Forms for and information to be contained in abstracts; certification

Abstracts required by § 46.2-383 shall be made on forms prepared by or approved by the Department and the Department of State Police. They shall include all information as to the parties to the case. In the event the abstract relates to a person convicted or found not innocent of a charge described in subdivision A 1 or 2 of § 46.2-382, it shall include the nature and date of the offense, the date of conviction or finding of not innocent, the plea, the judgment, the penalty or forfeiture as the case may be, and the driver's license number if any, the month, day and year of birth, the sex and the residence address or whereabouts of the defendant and shall indicate whether the defendant appeared and was represented by or waived counsel. Every such abstract shall be certified by the general district court or juvenile and domestic relations district court judge or clerk of the general district court or juvenile and domestic relations district court or clerk of a circuit court as a true abstract of the records of the court as it relates to the charge, judgment and penalty.

Abstracts transmitted to the Department by electronic means may be certified by machine imprint of the name of the general district court or juvenile and domestic relations district court judge or the clerk's name of the general district court or juvenile and domestic relations district court or the name of the clerk of the circuit court that furnished the record as a true abstract of the records of the court as it relates to the charge, judgment, and penalty.

Code 1950, § 46-196; 1958, c. 541, § 46.1-414; 1968, c. 151; 1984, c. 780; 1986, c. 607; 1989, c. 727; 1992, c. 838.

§ 46.2-387. Penalty for failure to forward record of conviction or of judgment for damages

Any person required to forward to the Commissioner a record of a conviction or of a judgment for damages as provided in this chapter who fails, refuses, or neglects so to do without reasonable cause shall be guilty of a Class 4 misdemeanor and may be suspended or removed from office or otherwise disciplined for dereliction of duty.

The Commissioner shall call every such failure to the attention of the person guilty of the

dereliction and to the judge of the court of which he is an officer in cases of dereliction on the part of officers of courts and also to the appropriate attorney for the Commonwealth.

Discipline for dereliction of the duties provided by this chapter is cumulative to the other penalties prescribed and may be imposed by the court having jurisdiction over the official whose negligence is complained of.

Code 1950, § 46-415; 1958, c. 541, § 46.1-416; 1989, c. 727.

§ 46.2-388. Uniform summons to be used for reportable motor vehicle law violations; citations

A. The Attorney General, after consultation with the Committee on District Courts, the Superintendent of State Police and the Commissioner, shall approve a form for the summons to be issued in either an electronic or paper format and all revisions to the form to be used by all law-enforcement officers throughout the Commonwealth in cases of motor vehicle law violations reportable to the Department under the provisions of §§ 46.2-382 and 46.2-383 and for other offenses charged on a summons pursuant to § 19.2-74. The commencement and termination date for the use of the form and each revised version of the form shall be made by the Attorney General after consultation with the Committee on District Courts, the Superintendent of State Police and the Commissioner. The law-enforcement agency issuing the summons shall determine whether to use an electronic or paper format.

The form of the summons shall include multiple copies with the original to be used for court records and other copies in sufficient number to permit the use of one copy by the courts for purposes of filing abstracts of records with the Department as required by § 46.2-383 and shall be a form prepared by the Department within the meaning of § 46.2-386. The form of the summons shall also include appropriate space for use in cases of violation of either state laws or local ordinances.

B. A separate citation which has been approved in the manner prescribed in subsection A shall be used for violations of §§ 46.2-1122 through 46.2-1127 and 46.2-1130. The citation shall be directed to the owner, operator or other person responsible for the overweight violation, and shall advise him of:

1. The nature of the violation charged against him;
2. The amount of monetary fees, penalties, and damages that may be assessed for violations;
3. The requirement that he either pay the fees, penalties, and damages in full or deliver a notice of his intent to contest the charge to the Department;
4. The procedures and time limits for making the payments or contesting such charge, which shall include the trial date, which shall in no event be earlier than 60 days after the violation; and
5. The consequences of a failure to timely pay or contest the charge.

C. A separate citation that has been approved in the manner prescribed in subsection A shall be used for violations of § 46.2-613.1. The citation shall be directed to the owner, operator, or other person responsible for the violation and shall advise him of:

1. The nature of the violation charged against him;
2. The amount of monetary fees and penalties that may be assessed for violations;

3. The requirement that he either pay the fee and penalties in full or deliver a notice of his intent to contest the charge to the Department;
4. The procedures and time limits for making the payments or contesting such charge which shall include the trial date, which shall in no event be earlier than 60 days after the violation; and
5. The consequences of a failure to timely pay or contest the charge.

1968, c. 712, § 46.1-416.1; 1977, cc. 81, 585; 1984, c. 24; 1986, c. 588; 1989, c. 727; 2005, c. 589; 2011, cc. 62, 73.

Article 12. Suspension and Revocation of Licenses, Generally; Additional Penalties

§ 46.2-389. Required revocation for one year upon conviction or finding of guilty of certain offenses; exceptions

A. The Commissioner shall forthwith revoke, and not thereafter reissue for a period of time specified in subsection B, except as provided in § 18.2-271 or § 18.2-271.1, the driver's license of any resident or nonresident on receiving a record of his conviction or a record of his having been found guilty in the case of a juvenile of any of the following crimes, committed in violation of a state law or a valid county, city, or town ordinance or law of the United States, or a law of any other state, substantially paralleling and substantially conforming to a like state law and to all changes and amendments of it:

1. Voluntary or involuntary manslaughter resulting from the driving of a motor vehicle;
2. Violation of § 18.2-266 or § 18.2-272, or subsection A of § 46.2-341.24 or violation of a substantially similar local ordinance;
3. Perjury or the making of a false affidavit to the Department under this chapter or any other law of the Commonwealth requiring the registration of motor vehicles or regulating their operation on the highways;
4. The making of a false statement to the Department on any application for a driver's license;
5. Any crime punishable as a felony under the motor vehicle laws of the Commonwealth or any other felony in the commission of which a motor vehicle is used;
6. Failure to stop and disclose his identity at the scene of the accident, on the part of a driver of a motor vehicle involved in an accident resulting in the death of or injury to another person; or
7. Violation of § 18.2-36.1 or § 18.2-51.4.

B. Upon conviction of an offense set forth in subsection A, the person's driver's license shall be revoked for one year; however, for a violation of subdivision A 1 or A 7, the driver's license shall be revoked as provided in subsection B of § 46.2-391. However, in no such event shall the Commissioner reinstate the driver's license of any person convicted of a violation of § 18.2-266, or of a substantially similar valid local ordinance or law of another jurisdiction, until receipt of notification that such person has successfully completed an alcohol safety action program if such person was required by a court to do so unless the requirement for completion of the program has been waived by the court for good cause shown.

Code 1950, § 46-416; 1958, cc. 496, 541, § 46.1-417; 1960, c. 364; 1966, c. 238; 1974, c. 453; 1976, cc. 612, 691; 1982, c. 301; 1984, c. 780; 1988, c. 860; 1989, cc. 705, 727; 1990, c. 949; 1992, cc.

109, 891; 1997, cc. [486](#), [691](#); 1999, cc. [945](#), [987](#); 2000, cc. [956](#), [959](#), [982](#), [985](#).

§ 46.2-390. Required suspension for conviction of theft or unauthorized use of a motor vehicle

When any person is convicted, or found guilty in the case of a juvenile, of any theft of a motor vehicle or its unauthorized use, or the theft of any of its parts, whether the motor vehicle is used in the commission of a theft or not, then in addition to any penalties provided by law, the driver's license of the person shall be suspended by the court for a period of not less than sixty days nor more than six months. In case of conviction the court shall order the surrender of the license to the court where it shall be disposed of in accordance with § [46.2-398](#). If the conviction is a second or subsequent offense, the license shall be suspended at least sixty days and not more than one year, and the court shall transmit the license to the Department as provided by law. If the person has not obtained a license as required by this chapter, or is a nonresident, the court shall direct in the judgment of conviction that the person shall not drive any motor vehicle in the Commonwealth for a period to coincide with the judgment of the court. This section shall not apply in the event that the theft is one in which the revocation of the license of any person is required under the provisions of subdivision 5 of § [46.2-389](#). Sections [46.2-391.1](#) and [46.2-411](#) shall not apply to any person whose license is suspended under this section.

1966, c. 533, § 46.1-417.1; 1984, c. 780; 1988, c. 860; 1989, c. 727; 1992, c. 109.

§ 46.2-390.1. Repealed

Repealed by Acts 2020, cc. [740](#) and [741](#) cl. 2.

§ 46.2-391. Revocation of license for multiple convictions of driving while intoxicated; exception; petition for restoration of privilege

A. The Commissioner shall forthwith revoke and not thereafter reissue for three years the driver's license of any person on receiving a record of the conviction of any person who (i) is adjudged to be a second offender in violation of the provisions of subsection A of § [46.2-341.24](#) (driving a commercial motor vehicle under the influence of drugs or intoxicants), or § [18.2-266](#) (driving under the influence of drugs or intoxicants), if the subsequent violation occurred within 10 years of the prior violation, or (ii) is convicted of any two or more offenses of § [18.2-272](#) (driving while the driver's license has been forfeited for a conviction under § [18.2-266](#)) if the second or subsequent violation occurred within 10 years of the prior offense. However, if the Commissioner has received a copy of a court order authorizing issuance of a restricted license as provided in subsection E of § [18.2-271.1](#), he shall proceed as provided in the order of the court. For the purposes of this subsection, an offense in violation of a valid local ordinance, or law of any other jurisdiction, which ordinance or law is substantially similar to any provision of Virginia law herein shall be considered an offense in violation of such provision of Virginia law. Additionally, in no event shall the Commissioner reinstate the driver's license of any person convicted of a violation of § [18.2-266](#), or of a substantially similar valid local ordinance or law of another jurisdiction, until receipt of notification that such person has successfully completed an alcohol safety action program if such person was required by court order to do so unless the requirement for completion of the program has been waived by the court for good cause shown. A conviction includes a finding of not innocent in the case of a juvenile.

B. The Commissioner shall forthwith revoke and not thereafter reissue the driver's license of any person after receiving a record of the conviction of any person (i) convicted of a violation of § [18.2-36.1](#) or [18.2-51.4](#) or a felony violation of § [18.2-266](#) or (ii) convicted of three offenses arising

out of separate incidents or occurrences within a period of 10 years in violation of the provisions of subsection A of § 46.2-341.24, § 18.2-266, or a substantially similar ordinance or law of any other jurisdiction, or any combination of three such offenses. A conviction includes a finding of not innocent in the case of a juvenile.

C. Any person who has had his driver's license revoked in accordance with subsection B may petition the circuit court of his residence, or, if a nonresident of Virginia, any circuit court:

1. For restoration of his privilege to drive a motor vehicle in the Commonwealth after the expiration of five years from the date of his last conviction. On such petition, and for good cause shown, the court may, in its discretion, restore to the person the privilege to drive a motor vehicle in the Commonwealth on condition that such person install an ignition interlock system in accordance with § 18.2-270.1 on all motor vehicles, as defined in § 46.2-100, owned by or registered to him, in whole or in part, for a period of at least six months, and upon whatever other conditions the court may prescribe, subject to the provisions of law relating to issuance of driver's licenses, if the court is satisfied from the evidence presented that (i) at the time of his previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself or others with regard to the driving of a motor vehicle. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The court may, in lieu of restoring the person's privilege to drive, authorize the issuance of a restricted license for a period not to exceed five years in accordance with the provisions of § 18.2-270.1 and subsection E of § 18.2-271.1. The court shall notify the Virginia Alcohol Safety Action Program that during the term of the restricted license it shall monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

2. For a restricted license to authorize such person to drive a motor vehicle in the Commonwealth in the course of his employment and to drive a motor vehicle to and from his home to the place of his employment after the expiration of three years from the date of his last conviction unless such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket established pursuant to § 18.2-254.2 or 18.2-254.3 or Rule 1:25 of the Rules of Supreme Court of Virginia. If such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket established pursuant to § 18.2-254.2 or 18.2-254.3 or Rule 1:25 of the Rules of Supreme Court of Virginia, such person may file a petition for a restricted license to be issued in accordance with the provisions of this subdivision without having to wait for the expiration of three years from the date of his last conviction, regardless of the date of such conviction. The court may order that a restricted license for such purposes be issued in accordance with the procedures of subsection E of § 18.2-271.1 if the court is satisfied from the evidence presented that (i) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use

of alcohol or such other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself and others with regard to the driving of a motor vehicle. The court shall prohibit the person to whom a restricted license is issued from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system during all or any part of the term for which the restricted license is issued, in accordance with the provisions set forth in § 18.2-270.1. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The Virginia Alcohol Safety Action Program shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

The ignition interlock system installation requirement under subdivisions 1 and 2 need only be satisfied once as to any single revocation under subsection B for any person seeking restoration under subdivision 1 following the granting of a restricted license under subdivision 1 or 2.

D. Any person convicted of driving a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B or (ii) in violation of the terms of a restricted license issued pursuant to subsection C shall, provided such revocation was based on at least one conviction for an offense committed after July 1, 1999, be punished as follows:

1. If such driving does not of itself endanger the life, limb, or property of another, such person is guilty of a Class 1 misdemeanor punishable by a mandatory minimum term of confinement in jail of 10 days except in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

2. a. If such driving (i) of itself endangers the life, limb, or property of another or (ii) takes place while such person is in violation of § 18.2-36.1, 18.2-51.4, or 18.2-266, subsection A of § 46.2-341.24, or a substantially similar law or ordinance of another jurisdiction, irrespective of whether the driving of itself endangers the life, limb, or property of another and the person has been previously convicted of a violation of § 18.2-36.1, 18.2-51.4, or 18.2-266, subsection A of § 46.2-341.24, or a substantially similar local ordinance, or law of another jurisdiction, such person is guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than five years, one year of which shall be a mandatory minimum term of confinement or, in the discretion of the jury or the court trying the case without a jury, by mandatory minimum confinement in jail for a period of 12 months and no portion of such sentence shall be suspended or run concurrently with any other sentence.

b. However, in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

3. If any such offense of driving is a second or subsequent violation, such person shall be punished as provided in subdivision 2, irrespective of whether the offense, of itself, endangers the life, limb, or property of another.

E. Notwithstanding the provisions of subdivisions D 2 and 3, following conviction and prior to

imposition of sentence with the consent of the defendant, the court may order the defendant to be evaluated for and to participate in the community corrections alternative program pursuant to § 19.2-316.4.

F. Any period of driver's license revocation imposed pursuant to this section shall not begin to expire until the person convicted has surrendered his license to the court or to the Department of Motor Vehicles.

G. Nothing in this section shall prohibit a person from operating any farm tractor on the highways when it is necessary to move the tractor from one tract of land used for agricultural purposes to another such tract of land when the distance between the tracts is no more than five miles.

H. Any person who operates a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B or (ii) in violation of the terms of a restricted license issued pursuant to subsection C, where the provisions of subsection D do not apply, is guilty of a violation of § 18.2-272.

Code 1950, § 46-417; 1958, c. 541, § 46.1-421; 1960, c. 364; 1964, c. 194; 1968, c. 561; 1976, cc. 359, 612, 691; 1983, c. 504; 1984, cc. 658, 673, 780; 1987, c. 409; 1989, cc. 705, 727; 1990, c. 949; 1994, c. 573; 1995, c. 486; 1997, cc. 691, 706; 1999, cc. 945, 987; 2000, cc. 243, 956, 958, 959, 980, 982, 985; 2001, c. 739; 2004, cc. 461, 937, 951; 2013, cc. 415, 655; 2016, c. 230; 2019, c. 618; 2024, cc. 552, 568.

§ 46.2-391.01. Administrative enforcement of ignition interlock requirements

If the court, as a condition of license restoration or as a condition of a restricted license under subsection C or D of § 18.2-271.1 or § 46.2-391, or when required by § 18.2-270.1, fails to prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system, the Commissioner shall enforce the requirements relating to installation of such systems in accordance with the provisions of § 18.2-270.1.

2001, c. 739; 2002, c. 811; 2014, c. 707; 2015, c. 729.

§ 46.2-391.1. Suspension of registration certificates and plates upon suspension or revocation of driver's license

Whenever the Commissioner, under the authority of law of the Commonwealth, suspends or revokes the driver's license of any person upon receiving record of that person's conviction, the Commissioner shall also suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name. The Commissioner shall not suspend such registration certificates or license plates in the event that such person has previously given or gives and thereafter maintains proof of his financial responsibility in the future, in the manner specified in this chapter, with respect to each and every motor vehicle owned and registered by such person. In this event it shall be lawful for said vehicle or vehicles to be operated during this period of suspension by any duly licensed driver when so authorized by the owner.

1992, c. 109; 1994, cc. 841, 945; 2020, cc. 964, 965.

§ 46.2-391.2. Administrative suspension of license or privilege to operate a motor vehicle

A. If a breath test is taken pursuant to § 18.2-268.2 or any similar ordinance or § 46.2-341.26:2

and (i) the results show a blood alcohol content of 0.08 percent or more by weight by volume or 0.08 grams or more per 210 liters of breath, or (ii) the results, for persons under 21 years of age, show a blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath or (iii) the person refuses to submit to the breath or blood test in violation of § 18.2-268.3 or any similar ordinance or § 46.2-341.26:3, and upon issuance of a petition or summons, or upon issuance of a warrant by the magistrate, for a violation of § 18.2-51.4, 18.2-266, or 18.2-266.1, or any similar ordinance, or § 46.2-341.24 or upon the issuance of a warrant or summons by the magistrate or by the arresting officer at a medical facility for a violation of § 18.2-268.3, or any similar ordinance, or § 46.2-341.26:3, the person's license shall be suspended immediately or in the case of (a) an unlicensed person, (b) a person whose license is otherwise suspended or revoked, or (c) a person whose driver's license is from a jurisdiction other than the Commonwealth, such person's privilege to operate a motor vehicle in the Commonwealth shall be suspended immediately. The period of suspension of the person's license or privilege to drive shall be seven days, unless the petition, summons or warrant issued charges the person with a second or subsequent offense. If the person is charged with a second offense the suspension shall be for 60 days. If not already expired, the period of suspension shall expire on the day and time of trial of the offense charged on the petition, summons or warrant, except that it shall not so expire during the first seven days of the suspension. If the person is charged with a third or subsequent offense, the suspension shall be until the day and time of trial of the offense charged on the petition, summons or warrant.

A law-enforcement officer, acting on behalf of the Commonwealth, shall serve a notice of suspension personally on the arrested person. When notice is served, the arresting officer shall promptly take possession of any driver's license held by the person and issued by the Commonwealth and shall promptly deliver it to the magistrate. Any driver's license taken into possession under this section shall be forwarded promptly by the magistrate to the clerk of the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was made together with any petition, summons or warrant, the results of the breath test, if any, and the report required by subsection B. A copy of the notice of suspension shall be forwarded forthwith to both (1) the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was made and (2) the Commissioner. Transmission of this information may be made by electronic means.

The clerk shall promptly return the suspended license to the person at the expiration of the suspension. Whenever a suspended license is to be returned under this section or § 46.2-391.4, the person may elect to have the license returned in person at the clerk's office or by mail to the address on the person's license or to such other address as he may request.

B. Promptly after arrest and service of the notice of suspension, the arresting officer shall forward to the magistrate a sworn report of the arrest that shall include (i) information which adequately identifies the person arrested and (ii) a statement setting forth the arresting officer's grounds for belief that the person violated § 18.2-51.4, 18.2-266, or 18.2-266.1, or a similar ordinance, or § 46.2-341.24 or refused to submit to a breath or blood test in violation of § 18.2-268.3 or a similar ordinance or § 46.2-341.26:3. The report required by this subsection shall be submitted on forms supplied by the Supreme Court.

C. Any person whose license or privilege to operate a motor vehicle has been suspended under subsection A may, during the period of the suspension, request the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was

made to review that suspension. The court shall review the suspension within the same time period as the court hears an appeal from an order denying bail or fixing terms of bail or terms of recognizance, giving this matter precedence over all other matters on its docket. If the person proves to the court by a preponderance of the evidence that the arresting officer did not have probable cause for the arrest, that the magistrate did not have probable cause to issue the warrant, or that there was not probable cause for issuance of the petition, the court shall rescind the suspension, or that portion of it that exceeds seven days if there was not probable cause to charge a second offense or 60 days if there was not probable cause to charge a third or subsequent offense, and the clerk of the court shall forthwith, or at the expiration of the reduced suspension time, (i) return the suspended license, if any, to the person unless the license has been otherwise suspended or revoked, (ii) deliver to the person a notice that the suspension under § 46.2-391.2 has been rescinded or reduced, and (iii) forward to the Commissioner a copy of the notice that the suspension under § 46.2-391.2 has been rescinded or reduced. Otherwise, the court shall affirm the suspension. If the person requesting the review fails to appear without just cause, his right to review shall be waived.

The court's findings are without prejudice to the person contesting the suspension or to any other potential party as to any proceedings, civil or criminal, and shall not be evidence in any proceedings, civil or criminal.

D. If a person whose license or privilege to operate a motor vehicle is suspended under subsection A is convicted under § 18.2-36.1, 18.2-51.4, 18.2-266, or 18.2-266.1 or subdivision A 1 or B 1 of § 18.2-268.3, or any similar ordinance, or § 46.2-341.24 during the suspension imposed by subsection A, and if the court decides to issue the person a restricted permit under subsection E of § 18.2-271.1 or subsection E of § 18.2-268.3, such restricted permit shall not be issued to the person before the expiration of the first seven days of the suspension imposed under subsection A.

1994, cc. 359, 363; 1996, cc. 865, 1007; 1997, c. 691; 2001, c. 779; 2003, c. 605; 2004, cc. 937, 960; 2005, cc. 757, 840; 2014, c. 707; 2017, c. 623; 2020, c. 341.

§ 46.2-391.3. Content of notice of suspension

A notice of suspension issued pursuant to § 46.2-391.2 shall clearly specify (i) the reason and statutory grounds for the suspension, (ii) the effective date and duration of the suspension, (iii) the right of the offender to request a review of that suspension by the appropriate district court of the jurisdiction in which the arrest was made, and (iv) the procedures for requesting such a review.

1994, cc. 359, 363.

§ 46.2-391.4. When suspension to be rescinded

Notwithstanding any other provision of § 46.2-391.2, a subsequent dismissal or acquittal of all the charges under § 18.2-36.1, 18.2-51.4, 18.2-266, or 18.2-268.3, or any similar ordinances, or § 46.2-341.24 or 46.2-341.26:3 for the same offense for which a person's driver's license or privilege to operate a motor vehicle was suspended under § 46.2-391.2 shall result in the immediate rescission of the suspension. In any such case, the clerk of the court shall forthwith (i) return the suspended license, if any, to the person unless the license has been otherwise suspended or revoked; (ii) deliver to the person a notice that the suspension under § 46.2-391.2 has been rescinded; and (iii) forward to the Commissioner a copy of the notice that the suspension under § 46.2-391.2 has been rescinded.

1994, cc. 359, 363;1997, c. 691;2005, cc. 757, 840;2017, c. 623.

§ 46.2-391.5. Preparation and distribution of forms

The Supreme Court shall develop policies and regulations pertaining to the notice of suspension under subsection A of § 46.2-391.2 and the notice that the suspension has been rescinded under subsection C of § 46.2-391.2 and § 46.2-391.4, and shall furnish appropriate forms to all law-enforcement officers and district courts, respectively.

1994, cc. 359, 363.

§ 46.2-392. Suspension of license or issuance of a restricted license on conviction of certain offenses; probationary conditions required; generally

In addition to the penalties for careless driving and infliction of injury or death on vulnerable road users prescribed in § 46.2-816.1, the penalties for reckless driving prescribed in § 46.2-868, and the penalties for aggressive driving prescribed in § 46.2-868.1, the court may suspend the driver's license issued to a person convicted of careless driving and infliction of injury or death on vulnerable road users, reckless driving, or aggressive driving for a period of not less than 10 days nor more than six months and the court shall require the convicted person to surrender his license so suspended to the court where it will be disposed of in accordance with § 46.2-398.

Additionally, any person convicted of a reckless driving offense which the court has reason to believe is alcohol-related or drug-related may be required as a condition of probation or otherwise to enter into and successfully complete an alcohol safety action program. If the court suspends a person's driver's license for reckless driving and requires the person to enter into and successfully complete an alcohol safety action program, the Commissioner shall not reinstate the driver's license of the person until receipt of certification that the person has enrolled in and completed the alcohol safety action program.

If a person so convicted has not obtained the license required by this chapter, or is a nonresident, the court may direct in the judgment of conviction that he shall not, for a period of not less than 10 days or more than six months as may be prescribed in the judgment, drive any motor vehicle in the Commonwealth. The court or the clerk of court shall transmit the license to the Commissioner along with the report of the conviction required to be sent to the Department.

The court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle during the period of suspension for any of the purposes set forth in subsection E of § 18.2-271.1. The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person who may operate a motor vehicle on the order until receipt from the Commissioner of a restricted license. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided in subsection C of § 46.2-301. No restricted license issued pursuant to this section shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

Code 1950, § 46-210; 1950, p. 691; 1952, Ex. Sess., c. 16; 1958, c. 541, § 46.1-422; 1981, c. 237; 1989, c. 727; 1996, c. 615; 2000, c. 342; 2001, cc. 645, 779; 2004, c. 361; 2007, c. 432; 2022, cc. 506, 507; 2023, cc. 561, 562.

§ 46.2-393. Suspension of license on conviction of certain reckless offenses; restricted licenses

A. When any person is convicted of reckless driving as provided in §§ 46.2-853 through 46.2-864, in addition to any penalties provided by law, the driver's license of the person may be suspended by the court for a period of not less than 60 days nor more than six months. In case of conviction the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398. If the person so convicted has not obtained a license required by this chapter or is a nonresident, the court shall direct in the judgment of conviction that the person shall not drive any motor vehicle in the Commonwealth for a period of not less than 60 days nor more than six months.

B. The court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle during the period of suspension for any of the purposes set forth in subsection E of § 18.2-271.1. The court shall forward to the Commissioner a copy of its order entered pursuant to this section, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person who may operate a motor vehicle on the order until receipt from the Commissioner of a restricted license. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided in subsection C of § 46.2-301. No restricted license issued pursuant to this section shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

Code 1950, § 46-209.1; 1954, c. 401; 1958, c. 541, § 46.1-423; 1960, c. 200; 1966, c. 694; 1974, c. 453; 1984, c. 780; 1989, c. 727; 2004, c. 115; 2005, c. 152.

§ 46.2-394. Revocation of license for fourth conviction of certain offenses

If any person is convicted four times of a violation of §§ 46.2-865, 46.2-894, or § 46.2-895, or any substantially similar ordinance or law of any other jurisdiction, the court shall revoke his driver's license for five years.

1962, c. 424, § 46.1-423.2; 1984, c. 780; 1989, c. 727; 1997, c. 691; 2000, cc. 956, 982.

§ 46.2-395. Repealed

Repealed by Acts 2020, cc. 964 and 965, cl. 2.

§ 46.2-396. Suspension of license for reckless driving resulting in death of any person

When any person is convicted of reckless driving as provided for in §§ 46.2-853 through 46.2-864 and the reckless driving was the cause of the death of any person, then in addition to any other penalties provided by law, the driver's license of the person may be suspended by the court for no more than twelve months. In case of conviction the court may order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398. If the person so convicted has not obtained a license required by this chapter or is a nonresident, the court may direct in the judgment of conviction that the person shall not drive any motor vehicle

in the Commonwealth for a period not to exceed twelve months. The fact of the suspension shall not be admissible as evidence in any related civil proceeding.

1976, c. 320, § 46.1-423.4; 1984, c. 780; 1989, c. 727.

§ 46.2-396.1. Conviction of serious driving offense

Upon the conviction of a traffic offense that causes the death of any person and which (i) the Commissioner has designated a serious traffic offense, a relatively serious traffic offense, or a traffic offense of a less serious nature under § 46.2-492 or (ii) constitutes any criminal offense in this title, the court may suspend the driver's license of the person convicted for not more than twelve months, in addition to any other penalties provided by law and may order the surrender of his license to the court to be disposed of in accordance with § 46.2-398. In those cases where the court determines it is appropriate, the court may provide that any individual whose license is suspended pursuant to this section be issued a restricted license to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1 during the term of suspension. If the convicted driver does not have a driver's license, as defined in § 46.2-100, or is a nonresident, the court may order the driver not to drive any motor vehicle in the Commonwealth for not more than twelve months.

2002, c. 849.

§ 46.2-397. Suspension of license for certain violations while transporting explosives, inflammable gas or liquid

When the driver of any motor vehicle is convicted of any violation of §§ 46.2-816, 46.2-820 through 46.2-823, 46.2-825, 46.2-826 or §§ 46.2-852 through 46.2-864, or of any of the applicable speed limits prescribed in §§ 46.2-870 through 46.2-878 and the violation was committed while driving a motor vehicle, tractor truck, trailer, or semitrailer, transporting explosives or any inflammable gas or liquid, in addition to any penalty imposed, the court may suspend the driver's license of the convicted person for a period of ninety days from the date of conviction.

Code 1950, § 46-197.2; 1954, c. 377; 1958, c. 541, § 46.1-424; 1984, c. 780; 1989, c. 727.

§ 46.2-398. Disposition of surrendered licenses on revocation or suspension

In any case in which the accused is convicted of an offense, on the conviction of which the law requires or permits revocation or suspension of the driver's license of the person so convicted, the court shall order the surrender of such license, which shall remain in the custody of the court during the period of revocation or suspension if the period does not exceed 30 days.

If the revocation or suspension period exceeds 30 days, and the conviction was obtained in a court not of record, the license shall remain in the custody of that court (i) until the time allowed by law for an appeal to the circuit court has elapsed, when it shall be forwarded to the Commissioner, or (ii) until an appeal to the circuit court is noted, at which time it shall be returned to the accused.

If the revocation or suspension period exceeds 30 days, and the conviction was obtained in the circuit court, the circuit court shall forward the license to the Commissioner forthwith upon the conviction.

For any revocation or suspension of a privilege to drive in Virginia of a person who does not have a Virginia driver's license but who does have a valid driver's license from another jurisdiction, the court shall not order the physical surrender of such license.

Code 1950, § 46-195.1; 1952, c. 66; 1958, c. 541, § 46.1-425; 1973, c. 164; 1977, c. 585; 1982, c. 673; 1984, c. 780; 1989, c. 727; 2005, c. [943](#); 2011, c. [271](#).

§ 46.2-398.1. Issuance of restricted driver's privilege to out-of-state licensees

When the operator of any motor vehicle who is not licensed to drive in Virginia, but who has a valid driver's license from another jurisdiction, is convicted in Virginia of any violation for which license suspension and issuance of a restricted license to a Virginia driver is authorized, the court may issue him a restricted driving privilege in Virginia upon the same conditions as if the person held a valid Virginia license. The court order, and any writing or communication setting forth the person's restricted privilege, shall include clear language indicating that the person is not a licensed Virginia driver.

2010, c. [493](#).

§ 46.2-399. Revocation of license for improper use or failure to pay certain taxes

The Department shall revoke a driver's license whenever the person to whom the license has been issued makes or permits to be made an unlawful use of it or permits the use of it by a person not entitled to it or fails or refuses to pay within the time prescribed by law, any lawful taxes due the Commonwealth imposed under Chapter 27 of Title 58.1.

Code 1950, § 46-379; 1958, c. 541, § 46.1-426; 1984, c. 780; 1989, c. 727.

§ 46.2-400. Suspension of license of person not competent to drive; restoration of license; duty of clerk of the court

A. The Commissioner, on receipt of notice from a court, shall suspend the license of any person who has been legally adjudged to be incapacitated in accordance with Article 1 (§ [64.2-2000](#) et seq.) of Chapter 20 of Title 64.2. No driver's license shall be issued to any applicant who has previously been adjudged incapacitated and not competent to drive unless, at the time of such application, (i) the applicant has been adjudged restored to capacity by judicial decree or has a court order restoring or retaining the privilege to drive and (ii) the Department is satisfied that the applicant is competent to drive a motor vehicle with safety to persons and property pursuant to § [46.2-322](#) or [46.2-325](#). The clerk of the court in which the adjudication is made shall send a certified copy or abstract of such adjudication to the Commissioner.

B. The Commissioner shall not suspend the license or prior privilege to drive of any person legally adjudged to be incapacitated in accordance with Article 1 (§ [64.2-2000](#) et seq.) of Chapter 20 of Title 64.2, where the court order specifically permits such person to retain his driver's license or the privilege to drive or to apply for such license. In such case, the clerk of the court in which the adjudication is made shall not send a copy of the order to the Commissioner. However, a court may order any person adjudicated legally incapacitated to submit to an examination pursuant to § [46.2-322](#) or [46.2-325](#). In such case, the clerk of the court shall forward a copy of the order requiring an examination to the Department. Upon completion of the examination, the Department shall take whatever action may be appropriate and may (i) suspend the license or privilege to drive a motor vehicle in the Commonwealth, (ii) permit the examinee to retain his license or privilege to drive a motor vehicle in the Commonwealth, or (iii) issue a license subject to the restrictions authorized by § [46.2-329](#).

C. Upon receipt of notice that a person has been discharged from a facility operated or licensed by the Department of Behavioral Health and Developmental Services and is, in the opinion of the

authorities of the facility, not competent because of mental illness, intellectual disability, alcoholism, or drug addiction to drive a motor vehicle with safety to persons or property, the Commissioner shall forthwith suspend his license; however he shall not suspend the license if the person has been adjudged competent by judicial order or decree. The Commissioner shall require any person whose license has been suspended pursuant to this subsection to submit to an examination pursuant to § 46.2-322 or 46.2-325.

In any case in which the person's license has been suspended prior to his discharge, it shall not be returned to him unless the Commissioner is satisfied, after an examination pursuant to § 46.2-322 or 46.2-325, that the person is competent to drive a motor vehicle with safety to persons and property.

The facility operated or licensed by the Department of Behavioral Health and Developmental Services shall send the necessary information to the Commissioner to initiate the examination process pursuant to § 46.2-322 or 46.2-325.

D. Notwithstanding any other provision of law, the Department reserves the right to examine any licensed driver, any person applying for a driver's license or renewal thereof, or any person whose license has been suspended or revoked to determine his fitness to drive a motor vehicle pursuant to § 46.2-322 or 46.2-325.

Code 1950, § 46-418; 1950, p. 949; 1954, c. 213; 1958, cc. 154, 541, § 46.1-427; 1964, c. 230; 1987, c. 413; 1988, c. 78; 1989, c. 727; 1997, c. 921; 2009, cc. 813, 840; 2012, cc. 476, 507; 2017, c. 156.

§ 46.2-401. Reports to Commissioner of discharge of individuals from state facilities

Whenever practicable, at least 10 days prior to the time when any individual is to be discharged from any facility operated or licensed by the Department of Behavioral Health and Developmental Services, if the mental condition of the individual is, because of mental illness, intellectual disability, alcoholism, or drug addiction, in the judgment of the director or chief medical officer of the facility such as to prevent him from being competent to drive a motor vehicle with safety to persons and property, the director or chief medical officer shall forthwith report to the Commissioner, in sufficient detail for accurate identification, the date of discharge of the individual, together with a statement concerning his ability to drive a motor vehicle.

Code 1950, § 46-419; 1954, c. 293; 1958, c. 541, § 46.1-429; 1964, c. 230; 1987, c. 413; 1989, c. 727; 2009, cc. 813, 840; 2012, cc. 476, 507.

§ 46.2-402. When Commissioner may suspend or revoke license for not more than one year after hearing

A. The Commissioner may, after due hearing, after giving not less than five days' written notice by registered letter to the most recent address of the driver on file at the Department, suspend or revoke for not more than one year and not thereafter reissue during the period of suspension or revocation the Virginia driver's license issued to any person whenever it is satisfactorily proved at the hearing conducted by the Commissioner or other personnel of the Department designated by him, that the licensee under charges:

1. Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or in serious property damage,
2. Is incompetent to drive a motor vehicle,

3. Suffers from mental or physical infirmities or disabilities rendering it unsafe for him to drive a motor vehicle on the highways,
4. Is habitually a reckless or negligent driver of a motor vehicle, or
5. Has committed a serious violation of the motor vehicle laws of this Commonwealth.

B. The Commissioner, in determining the propriety of suspending or revoking a license as provided in this section, may take into consideration facts and conditions antedating the issuance of the current license.

Code 1950, § 46-420; 1958, c. 541, § 46.1-430; 1984, c. 780; 1989, c. 727; 1996, cc. 943, 994.

§ 46.2-403. Contents of notice of hearing

A. The notice of a hearing when mailed to any person, as provided in § 46.2-402 shall contain:

1. A specific statement of the alleged offense or offenses or other grounds for suspension or revocation of the license, including the date, time and place thereof when applicable;
2. The date, time and place of the hearing;
3. The names and addresses of all known witnesses whose testimony is proposed to be taken at the hearing;
4. As to any record of conviction of any offense which is to be offered as evidence, the date of the conviction and the court in which the same was had.

B. If these requirements are complied with it shall be sufficient regardless of whether the licensee appeared and regardless of whether the notice was ever received.

Code 1950, § 46-421; 1952, c. 544; 1958, c. 541, § 46.1-431; 1989, c. 727.

§ 46.2-404. Where and before whom hearing held

The hearing shall be in the county or city where the licensee resides or in the county or city in which the licensee works or, with the consent of the licensee, in any other county or city to which the county or city of his residence is contiguous. The hearing shall be before the Commissioner or any of the personnel of the Department designated by him.

Code 1950, § 46-422; 1958, c. 541, § 46.1-432; 1978, c. 563; 1980, c. 10; 1989, c. 727.

§ 46.2-405. How hearings to be conducted

A. In any such hearing all relevant and material evidence shall be received, except that: (i) the rules relating to privileged communications and privileged topics shall be observed; (ii) hearsay evidence shall be received only according to the rules of evidence prevailing in courts of record; and (iii) secondary evidence of the contents of a document shall be received only if the original is not readily available.

B. All reports of inspectors and subordinates of the Department and other records and documents in the possession of the Department bearing on the case subject to the provisions of subsection A of this section shall be introduced at the hearing. Any certified copy of any conviction forwarded to the Commissioner under the provisions of § 46.2-383, shall be prima facie evidence of the conviction, and may be introduced in evidence.

C. Subject to the provisions of subsection A of this section, every party shall have the right to cross-examine adverse witnesses and any inspector or subordinate of the Department whose report is in evidence, and to submit rebuttal evidence.

D. The decision shall be based only on evidence received at the hearing and matters of which a court of record could take judicial notice.

Code 1950, § 46-422.1; 1952, c. 544; 1958, c. 541, § 46.1-433; 1989, c. 727.

§ 46.2-406. Appointment and authority of hearing officers

The Commissioner may appoint one or more persons to conduct the hearings provided for in this title. The hearing officers are hereby authorized to administer oaths, take acknowledgments and affidavits, take testimony and depositions, and perform other duties which are incidental to conducting the hearings.

1958, c. 541, § 46.1-434; 1989, c. 727.

§ 46.2-407. Form and contents of decision; copies

Any decision or order of the Commissioner to be valid must be reduced to writing and contain the explicit findings of fact and conclusions of law upon which the decision or order of the Commissioner is based. Certified copies of the decision or order shall be delivered to any party affected by it.

Code 1950, § 46-422.2; 1952, c. 544; 1958, c. 541, § 46.1-435; 1989, c. 727.

§ 46.2-408. When Commissioner may suspend or revoke license for no more than five years

On any reasonable ground appearing in the records of the Department, the Commissioner may, when he deems it necessary for the safety of the public on the highways in the Commonwealth and after notice as provided in § 46.2-403 and hearing as provided in §§ 46.2-404, 46.2-405, 46.2-406 and 46.2-407 suspend or revoke for no more than five years, and not reissue during the period of suspension or revocation, the driver's license of any person who is a violator of any of the provisions of this title punishable as felonies, misdemeanors, or traffic infractions and he may suspend or revoke for a like period, and not reissue during the period of suspension or revocation, any or all of his registration cards and license plates for any motor vehicle.

Code 1950, § 46-423; 1952, c. 544; 1958, c. 541, § 46.1-436; 1974, c. 453; 1984, c. 780; 1989, c. 727.

§ 46.2-409. Certain abstracts of conviction to be prima facie evidence of conviction

In any administrative hearing conducted by the Commissioner or his designee pursuant to this article, an abstract showing a conviction of the violation of any of the provisions of this title, submitted as provided by § 46.2-383 by the court in which the conviction was had, shall be prima facie evidence that the person named in the abstract was duly convicted of the violation, and the burden shall be on any person challenging the propriety of the conviction to show that the conviction was improper.

1966, c. 183, § 46.1-436.1; 1989, c. 727.

§ 46.2-410. Appeals from order suspending or revoking license or registration

Any person aggrieved by an order or act of the Commissioner requiring suspension or revocation of a license or registration under the provisions of this chapter is entitled to judicial review in

accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). No appeal shall lie in any case in which the suspension or revocation of the license or registration was mandatory except to determine the identity of the person concerned when the question of identity is in dispute.

From the final decision of the circuit court, either the person who petitioned the court for an appeal or the Commissioner shall have an appeal as of right to the Court of Appeals.

Code 1950, § 46-424; 1952, c. 544; 1958, c. 541, § 46.1-437; 1960, c. 511; 1984, cc. 673, 703; 1986, c. 615; 1989, c. 727.

§ 46.2-410.1. Judicial review of revocation or suspension by Commissioner

A. Notwithstanding the provisions of § 46.2-410, when the Commissioner orders a revocation or suspension of a person's driver's license under the provisions of this chapter, the person so aggrieved may, in cases of manifest injustice, within 60 days of receipt of notice of the suspension or revocation, petition the circuit court of the jurisdiction wherein he resides for a hearing to review the Commissioner's order. Manifest injustice is defined as those instances where the Commissioner's order was the result of an error or was issued without authority or jurisdiction. The person shall provide notice of his petition to the attorney for the Commonwealth of that jurisdiction.

B. At the hearing on the petition, if the court finds that the Commissioner's order is manifestly unjust the court may, notwithstanding any other provision of law, order the Commissioner to modify the order or issue the person a restricted license in accordance with the provisions of § 18.2-271.1. For any action under this section, no appeal shall lie from the determination of the circuit court.

C. This section shall not apply to any disqualification of eligibility to operate a commercial motor vehicle imposed by the Commissioner pursuant to Article 6.1 (§ 46.2-341.1 et seq.).

2001, cc. 739, 749; 2002, c. 811; 2020, cc. 740, 741.

§ 46.2-410.2. License suspension or revocation by Commissioner; offenses under the laws of other jurisdictions

Notwithstanding any other provision of this chapter, the Commissioner shall not administratively revoke or suspend the driver's license of any person on the basis of receiving a record of such person's conviction for any offense under the laws of another jurisdiction that would otherwise require the Commissioner to revoke or suspend such person's driver's license unless such offense is substantially similar to an offense under the laws of the Commonwealth or a county, city, or town ordinance. Whenever the Commissioner is required to determine whether the law of another jurisdiction is substantially similar to the laws of the Commonwealth, or a county, city, or town ordinance, such determination shall be based only on the text of the other jurisdiction's law without reference to the particular circumstances of any conviction under such other jurisdiction's laws. However, if the Commissioner cannot reasonably determine from the text of the other jurisdiction's law whether such law is substantially similar to the laws of the Commonwealth, or a county, city, or town ordinance, the Commissioner may, if available, review a certified copy of the final order of the person's conviction in order to make such determination.

2017, c. 776.

§ 46.2-411. Reinstatement of suspended or revoked license or other privilege to operate or

register a motor vehicle; proof of financial responsibility; reinstatement fee

A. The Commissioner may refuse, after a hearing if demanded, to issue to any person whose license has been suspended or revoked any new or renewal license, or to register any motor vehicle in the name of the person, whenever he deems or in case of a hearing finds it necessary for the safety of the public on the highways in the Commonwealth.

B. Before granting or restoring a license or registration to any person whose driver's license or other privilege to drive motor vehicles or privilege to register a motor vehicle has been revoked or suspended pursuant to § 46.2-389, 46.2-391, 46.2-391.1, or 46.2-417, the Commissioner shall require proof of financial responsibility in the future as provided in Article 15 (§ 46.2-435 et seq.), but no person shall be licensed who may not be licensed under the provisions of §§ 46.2-389 through 46.2-431.

C. Whenever the driver's license or registration cards, license plates and decals, or other privilege to drive or to register motor vehicles of any resident or nonresident person is suspended or revoked by the Commissioner or by a district court or circuit court pursuant to the provisions of Title 18.2 or this title, or any valid local ordinance, the order of suspension or revocation shall remain in effect and the driver's license, registration cards, license plates and decals, or other privilege to drive or register motor vehicles shall not be reinstated and no new driver's license, registration cards, license plates and decals, or other privilege to drive or register motor vehicles shall be issued or granted unless such person, in addition to complying with all other provisions of law, pays to the Commissioner a reinstatement fee of \$30. The reinstatement fee shall be increased by \$30 whenever such suspension or revocation results from conviction of involuntary manslaughter in violation of § 18.2-36.1; conviction of maiming resulting from driving while intoxicated in violation of § 18.2-51.4; conviction of driving while intoxicated in violation of § 18.2-266 or 46.2-341.24; conviction of driving after illegally consuming alcohol in violation of § 18.2-266.1 or failure to comply with court imposed conditions pursuant to subsection D of § 18.2-271.1; unreasonable refusal to submit to drug or alcohol testing in violation of § 18.2-268.2; conviction of driving while a license, permit or privilege to drive was suspended or revoked in violation of § 46.2-301 or 46.2-341.21; disqualification pursuant to § 46.2-341.20; violation of driver's license probation pursuant to § 46.2-499; failure to attend a driver improvement clinic pursuant to § 46.2-503 or interventions pursuant to former § 46.2-351.1; conviction of eluding police in violation of § 46.2-817; conviction of hit and run in violation of § 46.2-894; conviction of reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 or a conviction, finding or adjudication under any similar local ordinance, federal law or law of any other state. Five dollars of the additional amount shall be retained by the Department as provided in this section and \$25 shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund established pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5. When three years have elapsed from the termination date of the order of suspension or revocation and the person has complied with all other provisions of law, the Commissioner may relieve him of paying the reinstatement fee.

D. No reinstatement fee shall be required when the suspension or revocation of license results from the person's suffering from mental or physical infirmities or disabilities from natural causes not related to the use of self-administered intoxicants or drugs. No reinstatement fee shall be collected from any person whose license is suspended by a court of competent jurisdiction for any reason, other than a cause for mandatory suspension as provided in this title, provided the court ordering the suspension is not required by § 46.2-398 to forward the license to the Department during the suspended period.

E. Except as otherwise provided in this section and § 18.2-271.1, reinstatement fees collected under the provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

F. Before granting or restoring a license or registration to any person whose driver's license or other privilege to drive motor vehicles or privilege to register a motor vehicle has been revoked or suspended, the Commissioner shall collect from such person, in addition to all other fees provided for in this section, an additional fee of \$40. The Commissioner shall pay all fees collected pursuant to this subsection into the Trauma Center Fund, created pursuant to § 18.2-270.01, for the purpose of defraying the costs of providing emergency medical care to victims of automobile accidents attributable to alcohol or drug use.

G. Whenever any person is required to pay a reinstatement fee pursuant to subsection C or pursuant to subsection E of § 18.2-271.1 and such person has more than one suspension or revocation on his record for which reinstatement is required, then such person shall be required to pay one reinstatement fee, the amount of which shall equal the full reinstatement fee attributable to the one of his revocations or suspensions that would trigger the highest reinstatement fee, plus an additional \$5 fee for administrative costs associated with compliance for each additional suspension or revocation. Fees collected pursuant to this subsection shall be set aside as a special fund to be used to meet the expenses of the Department.

Code 1950, § 46-425; 1958, c. 541, § 46.1-438; 1973, c. 396; 1980, c. 29; 1982, c. 671; 1984, c. 780; 1987, c. 696; 1988, c. 860; 1989, c. 727; 1992, c. 109; 1998, c. 703; 1999, cc. 945, 987; 2002, c. 60; 2005, c. 886; 2011, cc. 54, 71; 2012, cc. 803, 835; 2021, Sp. Sess. I, c. 463.

§ 46.2-411.1. Reinstatement of driver's license suspended or revoked for a conviction of driving while intoxicated

A. Before restoring a driver's license to any person (i) whose license to drive a motor vehicle has been suspended or revoked as a result of a conviction for driving while intoxicated in violation of § 18.2-266, or of any substantially similar valid local ordinance or law of another jurisdiction, or of subsection A of § 46.2-341.24 and (ii) who has been required by a court order to successfully complete an alcohol safety action program pursuant to § 18.2-271.1 because of that conviction, the Commissioner shall require written confirmation that the person has successfully completed such program unless the requirement for completion of the program has been waived by the court for good cause shown.

B. Any person who drives a motor vehicle in the Commonwealth after the period of license suspension has expired and after all requirements for reinstatement have been satisfied except for successful completion of such program shall be guilty of a violation of § 46.2-300.

2000, cc. 959, 985; 2001, cc. 133, 160.

§ 46.2-412. Time suspension or revocation

Every suspension or revocation shall remain in effect and the Commissioner shall not issue any new or renewal license or register in his name any motor vehicle, until permitted under the provisions of this chapter. When three years shall have elapsed from the date of the termination of the revocation provided by § 46.2-389 or § 46.2-391, or in the case of a suspension pursuant to the provisions of § 46.2-417, when three years has elapsed from the date of satisfaction of the judgment or judgments, the person may be relieved of giving proof of his financial responsibility

in the future, provided he is not required to furnish or maintain proof of financial responsibility under any other provision of this chapter. The requirement of this section for giving and maintaining proof of financial responsibility shall not, however, apply in the case of a person whose license has been suspended under § [46.2-400](#).

Code 1950, § 46-426; 1958, cc. 154, 541, § 46.1-439; 1966, c. 377; 1989, c. 727.

§ 46.2-413. Effect of reversal of conviction

Reversal on appeal of any conviction because of which conviction any license or registration has been suspended or revoked pursuant to the provisions of this chapter shall entitle the holder to the restoration of his license or registration forthwith without proof of financial responsibility.

Code 1950, § 46-427; 1958, c. 541, § 46.1-440; 1989, c. 727.

§ 46.2-414. Commencement of periods for suspension or revocation of licenses, registration cards, or license plates

Wherever it is provided in this title that the driver's license, registration cards, or license plates of any person be suspended or revoked for a period of time on conviction of certain offenses, or after a hearing before the Commissioner as provided by law, the period shall be counted from the date the conviction becomes final or after the order of the Commissioner, as a result of the hearing, becomes final. However, the provisions of this section shall not apply in any case where the person whose license is subject to suspension or revocation gives a false name or otherwise conceals his identity.

Code 1950, § 46-427.1; 1954, c. 222; 1958, c. 541, § 46.1-441; 1984, c. 780; 1989, c. 727; 2005, c. [565](#).

§ 46.2-415. United States magistrates and judges of district courts authorized to revoke or suspend driver's license under certain conditions

When any person is found guilty of a violation of any traffic regulation by a United States magistrate or a judge of a district court of the United States, which violation occurred on a federal reservation, and, for which, if the violation had occurred on the highways in the Commonwealth, revocation or suspension of the person's driver's license would be mandatory or discretionary with a court of the Commonwealth, the magistrate or judge is authorized to revoke or suspend the person's driver's license, provided it is forwarded to the Commissioner as is provided by law as to courts of the Commonwealth.

1966, c. 591, § 46.1-441.1; 1976, c. 62; 1984, c. 780; 1985, c. 90; 1989, c. 727.

§ 46.2-416. Notice of suspension or revocation of license

A. Whenever it is provided in this title that a driver's license may or shall be suspended or revoked either by the Commissioner or by a court, notice of the suspension or revocation or any certified copy of the decision or order of the Commissioner may be sent by the Department by certified mail to the driver at the most recent address of the driver on file at the Department. If the certificate of the Commissioner or someone designated by him for that purpose shows that the notice or copy has been so sent or provided, it shall be deemed prima facie evidence that the notice or copy has been sent and delivered or otherwise provided to the driver for all purposes involving the application of the provisions of this title. In the discretion of the Commissioner, service may be made as provided in § [8.01-296](#), which service on the driver shall be made by delivery in writing to the driver in person in accordance with subdivision 1 of § [8.01-296](#) by a

sheriff or deputy sheriff in the county or city in which the address is located, who shall, as directed by the Commissioner, take possession of any suspended or revoked license, registration card, or set of license plates or decals and return them to the office of the Commissioner. No such service shall be made if, prior to service, the driver has complied with the requirement which caused the issuance of the decision or order. In any such case, return shall be made to the Commissioner.

B. In lieu of making a direct payment to sheriffs as a fee for delivery of the Department's processes, the Commissioner shall effect a transfer of funds, on a monthly basis, to the Compensation Board to be used to provide additional support to sheriffs' departments. The amount of funds so transferred shall be as provided in the general appropriation act.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

1968, c. 144, § 46.1-441.2; 1980, c. 704; 1981, c. 619; 1984, c. 780; 1985, c. 231; 1989, cc. 439, 727; 1993, c. 24; 1994, c. 345; 1996, cc. 943, 994; 2001, c. 414; 2010, cc. 25, 55; 2012, c. 615; 2020, cc. 964, 965.

§ 46.2-416.1. Repealed

Repealed by Acts 2020, cc. 740 and 741 cl. 2.

Article 13. Suspension of Licenses for Unsatisfied Judgments and After Certain Accidents

§ 46.2-417. Suspension for failure to satisfy motor vehicle accident judgment; exceptions; insurance in liquidated company; insurer obligated to pay judgment

A. Upon the application of any judgment creditor, the Commissioner shall suspend the driver's license and all of the registration certificates and license plates of any person who has failed for 30 days to satisfy any judgment (i) in an amount and on a cause of action as hereinafter stated in this subsection or (ii) in an amount and on a cause of action pursuant to § 15.2-1716 or 15.2-1716.1, immediately upon receiving an authenticated judgment order or abstract thereof in an action for damages in a motor vehicle accident or pursuant to § 15.2-1716 or 15.2-1716.1, if the order or abstract is received by the Commissioner within 10 years of the date of judgment or if the judgment has been revived. However, if judgment is marked satisfied on the court records on or before the Commissioner's issuance of suspension, the order of suspension shall be invalid.

B. The Commissioner shall not, however, suspend the license of an owner or driver if the insurance carried by him was in a company which was authorized to transact business in this Commonwealth and which subsequent to an accident involving the owner or driver and prior to settlement of the claim therefor went into liquidation, so that the owner or driver is thereby unable to satisfy the judgment arising out of the accident.

C. The Commissioner shall not suspend the driver's license or driving privilege or any registration certificate, license plates, or decals under clause (i) of subsection A or § 46.2-418, if

the Commissioner finds that an insurer authorized to do business in the Commonwealth was obligated to pay the judgment upon which suspension is based, or that a policy of the insurer covers the person subject to the suspension, if the insurer's obligation or the limits of the policy are in an amount sufficient to meet the minimum amounts required by § 46.2-472, even though the insurer has not paid the judgment for any reason. A finding by the Commissioner that an insurer is obligated to pay a judgment, or that a policy of an insurer covers the person, shall not be binding upon the insurer and shall have no legal effect whatever except for the purpose of administering this article. Whenever in any judicial proceeding it is determined by any final judgment, decree, or order that an insurer is not obligated to pay the judgment, the Commissioner, notwithstanding any contrary finding made by him, forthwith shall suspend the driver's license or driving privilege, or any registration card, license plates or decals of any person against whom the judgment was rendered, as provided in subsection A.

D. Any suspensions timely requested by any judgment creditor under subsection A and issued by the Commissioner shall not extend (i) beyond 10 years from the date of judgment for any civil judgment obtained in a general district court, unless the judgment creditor notifies the Commissioner that an extension has been granted as provided in subdivision B 4 of § 16.1-69.55 or (ii) beyond 20 years from the date of judgment for any civil judgment obtained in a circuit court, unless the judgment creditor notifies the Commissioner that an extension has been granted as provided in § 8.01-251. The expiration of such suspension shall not relieve the judgment debtor of complying with the requirements of proof of financial responsibility pursuant to subsection B of § 46.2-411 and the reinstatement fees pursuant to subsections C and F of § 46.2-411 after the judgment debtor becomes eligible for restoration of his driving privileges.

Code 1950, § 46-430; 1958, c. 541, § 46.1-442; 1973, c. 394; 1974, cc. 49, 360; 1984, c. 780; 1988, c. 860; 1989, c. 727; 1992, c. 109; 2004, c. 998; 2013, c. 598.

§ 46.2-418. Nonpayment of judgments of Virginia and other states

The Commissioner shall take action as required in § 46.2-417 on receiving proper evidence that the person has failed for a period of thirty days to satisfy any judgment, in amount and on a cause of action as stated in §§ 46.2-364 and 46.2-417, rendered by a court of competent jurisdiction of the Commonwealth, any other state of the United States, the United States, Canada or its provinces.

Code 1950, § 46-430; 1958, c. 541, § 46.1-443; 1989, c. 727.

§ 46.2-419. When judgment satisfied

A. For all policies effective on or after January 1, 2022, but prior to January 1, 2025, every judgment for damages in any motor vehicle accident referred to in this chapter shall, for the purpose of this chapter, be satisfied:

1. When paid in full or when \$30,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;
2. When, subject to the limit of \$30,000 because of bodily injury to or death of one person, the judgment has been paid in full or when the sum of \$60,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident;

3. When the judgment has been paid in full or when \$20,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident; or

4. When the judgment has been discharged in bankruptcy.

B. For all policies effective on or after January 1, 2025, every judgment for damages in any motor vehicle accident referred to in this chapter shall, for the purposes of this chapter, be satisfied:

1. When paid in full or when \$50,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

2. When, subject to the limit of \$50,000 because of bodily injury to or death of one person, the judgment has been paid in full or when the sum of \$100,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident;

3. When the judgment has been paid in full or when \$25,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident; or

4. When the judgment has been discharged in bankruptcy.

C. Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amount provided in this section.

Code 1950, § 46-431; 1954, c. 378; 1958, cc. 501, 541, § 46.1-444; 1968, c. 685; 1970, c. 272; 1972, cc. 47, 433; 1975, c. 382; 1978, c. 550; 1989, cc. 621, 727; 2021, Sp. Sess. I, c. [273](#).

§ 46.2-420. Order for payment of judgment in installments

A judgment debtor, on five days' notice to the judgment creditor, may apply to the court in which the judgment was obtained for the privilege of paying it in installments. The court, without prejudice to other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments.

Code 1950, § 46-432; 1958, c. 541, § 46.1-445; 1989, c. 727.

§ 46.2-421. Effect of order for such payment and proof of financial responsibility

The Commissioner shall not suspend a license or registration of a motor vehicle and shall restore any license or registration suspended following nonpayment of a judgment, if the judgment debtor obtains an order from the court in which the judgment was rendered permitting payment of the judgment in installments and if the judgment debtor gives proof of his financial responsibility in the future as provided in this chapter.

Code 1950, § 46-433; 1958, c. 541, § 46.1-446; 1989, c. 727.

§ 46.2-422. Suspension on failure to pay installments

If the judgment debtor fails to pay any installment as permitted by the order of the court, then on notice of default, the Commissioner shall forthwith suspend the driver's license, registration cards, and license plates of the judgment debtor until the judgment is satisfied as provided in this

chapter. The judgment debtor may apply, after due notice to the judgment creditor, to the court which allowed installment payment of the judgment, within thirty days after the default, for resumption of the privilege of paying the judgment in installments, if past-due installments are first paid.

Code 1950, § 46-434; 1958, c. 541, § 46.1-447; 1989, c. 727.

§ 46.2-423. Creditor's consent to license notwithstanding default in payment

If the judgment creditor consents in writing, in whatever form the Commissioner prescribes, that the judgment debtor be allowed a driver's license and motor vehicle registration, the Commissioner may allow the same, notwithstanding default in the payment of the judgment or any installment thereof, for six months from the date of consent and thereafter until it is revoked in writing, if the judgment debtor furnishes proof of his financial responsibility in the future as provided in this chapter.

Code 1950, § 46-435; 1958, c. 541, § 46.1-448; 1989, c. 727.

§ 46.2-424. Duty of insurance carrier after notice of accident; report of omissions by insurers to State Corporation Commission; investigation and assessment for omissions

On receipt of the certificate of insurance, the insurance carrier or surety company named in the certificate of insurance shall determine whether the policy or bond was applicable to liability, if any, as to the named insured. Thereupon and not later than thirty days following receipt of the certificate of insurance, the insurance company or surety company shall cause to be filed with the Commissioner a written notice if the policy or bond was not applicable to liability, if any, as to the named insured resulting from the accident. The Commissioner shall prescribe the manner in which the written notice shall be made.

When the insurance company or surety company notifies the Commissioner that the policy or bond named in the certificate of insurance was not applicable to liability resulting from the accident, the Department shall determine, under § 46.2-708, whether suspension of the driver's license, registration cards, and license plates issued to the owner of the motor vehicle involved in the accident is required.

If the records of the Department reasonably indicate that any insurance carrier or surety company does not cause to be filed the notice herein required, the Commissioner shall report every such omission to the State Corporation Commission.

The State Corporation Commission shall investigate every such report of omission. If the Commission finds that any insurance carrier or surety company licensed to transact business in the Commonwealth, has failed, without good reason, to cause to be filed the notice required hereunder, the State Corporation Commission may assess the carrier or company fifty dollars for each omission.

Code 1950, § 46-438; 1958, c. 541, § 46.1-451; 1972, c. 442; 1989, c. 727.

§ 46.2-425. Driver or owner having no license issued by Department

In case a driver or owner has no driver's license issued by the Department or no motor vehicle registered in his name in the Commonwealth, he shall not be allowed a driver's license or motor vehicle registration until he has complied with this chapter to the same extent as would be necessary if he had held a driver's license or a motor vehicle registration at the time of the accident in which he was involved or at the time of the commission of the offense resulting in a

conviction as is mentioned in §§ 46.2-389 and 46.2-391.

Code 1950, § 46-439; 1958, c. 541, § 46.1-452; 1984, c. 780; 1989, c. 727.

§ 46.2-426. Custody and application of cash or securities deposited; limitation of actions; assignment

Cash or securities furnished in compliance with the requirements of this chapter shall be placed by the Commissioner in the custody of the State Treasurer and shall be applicable only to the payment of any judgment against the depositor for damages arising out of the accident in question in an action at law in a court in the Commonwealth begun not later than one year after the date of the accident. The cash or securities may be assigned by the depositor for the benefit of the person or persons damaged or injured in the accident as the result of which the cash or securities were filed or deposited without the damaged or injured person being required to institute legal proceedings. The Commissioner shall accept the assignment if, in his opinion, the rights of any other person or persons shall not be prejudiced thereby.

Code 1950, § 46-441; 1958, c. 541, § 46.1-454; 1989, c. 727.

§ 46.2-427. When suspensions to remain effective; relief from furnishing proof of financial responsibility; prohibition against registration in name of another person

The suspension required by the provisions of § 46.2-417 shall continue except as otherwise provided by §§ 46.2-421 and 46.2-423 until the person satisfies the judgment or judgments as prescribed in § 46.2-419 and gives proof of his financial responsibility in the future. However, the judgment debtor whose driving privileges, registration certificates, and license plates have been so suspended may petition the court that entered the judgment for reinstatement of his driving privileges, registration certificates, and license plates and the court may order reinstatement if the judgment has not been satisfied, provided the judgment debtor proves by a preponderance of the evidence that the judgment debtor (i) is unable, after examination of the records of the Department and the court reflecting that suspension and the exercise of due diligence, to locate the person to whom payment is due or, if the person to whom payment is due is dead, the judgment debtor is unable to identify either who are his heirs and assignees, or where they are located, and (ii) has paid into the court an amount equal to the judgment, court costs, and all interest that has accrued up to the date payment was made to the court. Any payment made to the court under this section shall be held for one year and, if unclaimed by the judgment creditor during that period, shall be transmitted by the court to the State Treasurer or his designee to be disposed of pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).

Upon receipt of such an order, the Commissioner shall reinstate the driving privileges, registration certificates, and license plates of the judgment debtor, provided the judgment debtor has given proof of his financial responsibility in the future and satisfied all other reinstatement requirements as provided in this chapter.

Notwithstanding the provisions of this article, a judgment debtor whose driving privileges have been suspended pursuant to this article may petition the court that entered the judgment for a restricted license to operate a motor vehicle during the period of suspension and the court may, for good cause shown, order the issuance of such restricted license for any of the purposes set forth in subsection E of § 18.2-271.1. Such restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided in § 46.2-301. No

restricted license issued pursuant to this section shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

The motor vehicle involved in the accident on which the suspension under § 46.2-417 is based shall not be registered in the name of any other person when the Commissioner has reasonable grounds to believe that the registration of the vehicle will have the effect of defeating the purpose of the chapter and no other motor vehicle shall be registered, and no driver's license or learner's permit shall be issued in the name of the person suspended, except as prescribed in § 46.2-437 until the suspension is terminated.

This section shall not relieve any person from giving or maintaining proof of his financial responsibility when he is required so to do for some reason rather than having been involved in a motor vehicle accident.

Code 1950, §§ 46-446, 46-447, 46-477.1; 1950, p. 639; 1958, c. 541, § 46.1-459; 1972, c. 638; 1984, c. 780; 1989, c. 727; 2003, c. 316; 2013, c. 598; 2024, c. 467.

§ 46.2-428. Commonwealth responsible for deposits

The Commonwealth shall be responsible for the safekeeping of all bonds, cash, and securities deposited with the State Treasurer under the provisions of this chapter, and if the deposit or any part of the deposit is lost, destroyed, or misappropriated the Commonwealth shall make good the loss to any person entitled thereto.

Code 1950, § 46-448; 1958, c. 541, § 46.1-460; 1989, c. 727.

§ 46.2-429. Release of deposits only upon consent of Commissioner

Bonds, cash, or securities deposited with the State Treasurer pursuant to this chapter shall only be released by the State Treasurer upon consent of the Commissioner given in conformity with this chapter.

Code 1950, § 46-449; 1958, c. 541, § 46.1-461; 1989, c. 727.

Article 14. Suspension of Licenses of Nonresidents or for Accidents in Other States

§ 46.2-430. Power over nonresidents

Whenever by the laws of the Commonwealth the Commissioner may suspend or revoke: (i) the license of a resident driver, or (ii) the registration cards and license plates of a resident owner, he may:

1. Suspend or revoke the privilege of operating a motor vehicle in the Commonwealth by a nonresident driver, and
2. Suspend the privilege of driving a vehicle owned by a nonresident regardless of whether the vehicle is registered in the Commonwealth.

Code 1950, § 46-450; 1958, c. 541, § 46.1-462; 1984, c. 780; 1989, c. 727.

§ 46.2-431. Chapter applies to nonresidents

Every provision of this chapter applies to any person who is not a resident of the Commonwealth under the same circumstances as it would apply to a resident. No nonresident may drive any motor vehicle in the Commonwealth and no motor vehicle owned by him may be driven in the Commonwealth, unless the nonresident has complied with the requirements of this chapter with

respect to giving proof of financial responsibility in the future.

Code 1950, § 46-451; 1958, c. 541, § 46.1-463; 1972, c. 638; 1989, c. 727.

§ 46.2-432. Failure of nonresident to report accident

The failure of a nonresident to report an accident as required in this title shall constitute sufficient ground for suspension or revocation of his privileges of driving a motor vehicle in the Commonwealth and of driving within the Commonwealth of any motor vehicle owned by him.

Code 1950, § 46-452; 1958, c. 541, § 46.1-464; 1989, c. 727.

§ 46.2-433. Notification of officers in nonresident's home state

On conviction of a nonresident or in case any unsatisfied judgment results in suspension of a nonresident's driving privileges in the Commonwealth and the prohibition of driving within the Commonwealth of any motor vehicle, or on suspension of a nonresident's driving privileges in the Commonwealth pursuant to any other provision of this chapter, the Commissioner shall transmit a certified copy of the record of the conviction or the unsatisfied judgment, or any other action pursuant to this chapter resulting in suspension of a nonresident's driving privileges of any motor vehicle owned by such nonresident, to the motor vehicle commissioner or officer performing the functions of a commissioner in the state of the United States, or possession under the exclusive control of the United States, Mexico or its states, or Canada or its provinces in which the nonresident resides.

Code 1950, § 46-453; 1958, c. 541, § 46.1-465; 1989, c. 727; 2005, c. [513](#).

§ 46.2-434. Conviction of or judgment against resident in another jurisdiction

The Commissioner shall suspend or revoke the license and registration certificate and plates of any resident of the Commonwealth upon receiving notice of his conviction, in a court of competent jurisdiction of the Commonwealth, any other state of the United States, the United States, Canada or its provinces or any territorial subdivision of such state or country, of an offense therein which, if committed in the Commonwealth, would be grounds for the suspension or revocation of the license granted to him or registration of any motor vehicle registered in his name. No suspension or revocation under this subsection shall continue for a longer period than it would have, had the offense been committed in the Commonwealth, provided the person gives proof of his financial responsibility in the future for the period provided in § [46.2-412](#).

The Commissioner shall take like action upon receipt of notice that a resident of the Commonwealth has failed, for a period of thirty days, to satisfy any final judgment in amount and upon a cause of action as stated herein, rendered against him in a court of competent jurisdiction of any other state of the United States, the United States, Canada or its provinces, or any territorial subdivision of such state or country.

Code 1950, § 46-454; 1950, p. 888; 1958, c. 541, § 46.1-466; 1988, c. 860; 1989, c. 727; 1992, c. 109; 1997, c. [486](#).

Article 15. Proof of Financial Responsibility

§ 46.2-435. Proof of financial responsibility to be furnished for each vehicle

Proof of financial responsibility in the amounts required by this chapter shall be furnished for each motor vehicle registered by the person required to furnish such proof.

Code 1950, § 46-455; 1954, c. 378; 1958, cc. 501, 541, § 46.1-467; 1989, c. 727.

§ 46.2-436. Methods of proving financial responsibility

Proof of financial responsibility when required under this chapter may be given by proof that:

1. A policy or policies of motor vehicle liability insurance have been obtained and are in full force;
2. A bond has been duly executed;
3. A deposit has been made of money or securities; or
4. A self-insurance certificate has been filed, all as provided in this chapter.

Code 1950, § 46-456; 1958, c. 541, § 46.1-468; 1989, c. 727.

§ 46.2-437. Proof of financial responsibility by owner in lieu of driver

When the Commissioner finds that any person required to give proof of financial responsibility under this title is or later becomes a driver, however designated, or a member of the immediate family or household, in the employ or home of an owner of a motor vehicle, the Commissioner shall accept proof of financial responsibility given by the owner in lieu of proof of financial responsibility by such person to permit him to operate a motor vehicle for which the owner has given proof of financial responsibility as provided in this chapter. The Commissioner shall designate the restrictions imposed by this section on the face of the person's driver's license.

Code 1950, § 46-457; 1958, c. 541, § 46.1-469; 1972, c. 638; 1984, c. 780; 1989, c. 727.

§ 46.2-438. Proof by owner of vehicles operated under permit or certificate of State Corporation Commission or Department of Motor Vehicles

If the owner of a motor vehicle is one whose vehicles are operated under a permit or a certificate of convenience and necessity issued by the State Corporation Commission or the Department, proof by the owner on behalf of another as provided by this chapter may be made if there is filed with the Commissioner satisfactory evidence that the owner has complied with the law with respect to his liability for damage caused by the operation of his vehicles by providing the required insurance or other security or has qualified as a self-insurer as described in § 46.2-368.

Code 1950, § 46-458; 1958, c. 541, § 46.1-470; 1989, c. 727; 1997, c. 283.

§ 46.2-439. Certificate of insurance carrier

Proof of financial responsibility, when requested, shall be made by filing with the Commissioner the written certificate of any insurance carrier authorized to do business in the Commonwealth, certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. This certificate shall give its effective date and the effective date of the policy.

Code 1950, § 46-459; 1958, c. 541, § 46.1-471; 1972, c. 380; 1976, c. 143; 1988, c. 860; 1989, c. 727.

§ 46.2-440. Certificate for nonresident may be by carrier not qualified in Commonwealth

A nonresident owner of a vehicle not registered in Virginia may give proof of financial responsibility by filing with the Commissioner a written certificate or certificates of an insurance carrier not authorized to transact business in the Commonwealth but authorized to transact

business in any other state, any territory or possession of the United States and under its exclusive control, Canada or its provinces, or the territorial subdivisions of such states or countries, in which any motor vehicle described in the certificate and all replacement vehicles of similar classification are registered or, if the nonresident does not own a motor vehicle, then in the like jurisdiction in which the insured resides and otherwise conforming to the provisions of this chapter. The Commissioner shall accept the same if the insurance carrier, in addition to having complied with all other provisions of this chapter as requisite, shall:

1. Execute a power of attorney authorizing the Commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in the Commonwealth;
2. Duly adopt a resolution, which shall be binding upon it, declaring that its policies are to be deemed to be modified to comply with the law of the Commonwealth and the terms of this chapter relating to the terms of motor vehicle liability policies issued herein;
3. Agree to accept as final and binding the judgment of any court of competent jurisdiction in the Commonwealth from which judgment no appeal is or can be taken, duly rendered in any action arising out of a motor vehicle accident;
4. Deposit with the State Treasurer cash or securities as are mentioned in § 46.2-453 or the surety bond of a company authorized to do business in Virginia equal in value to \$60,000 for each insurance policy filed as proof of financial responsibility.

Code 1950, § 46-460; 1954, c. 378; 1958, cc. 501, 541, § 46.1-472; 1968, c. 685; 1972, c. 433; 1975, c. 382; 1976, c. 143; 1978, c. 220; 1989, cc. 621, 727; 1993, c. 164; 1995, c. 121.

§ 46.2-441. Nonresident may file proof of future financial responsibility of insurance company or other state-authorized entity providing insurance

Notwithstanding the requirement of §§ 46.2-439 and 46.2-440, a nonresident required to file proof of future financial responsibility under this chapter may file proof of future financial responsibility of an insurance company or other state-authorized entity providing insurance and authorized or licensed to do business in the nonresident's state of residence as long as such proof of future financial responsibility is in the amounts equal to those required by § 46.2-472.

Code 1950, § 46-461; 1958, c. 541, § 46.1-473; 1989, c. 727; 1995, c. 121.

§ 46.2-442. Default of foreign insurance carrier

If any insurance carrier not authorized to do business in the Commonwealth which is qualified to furnish proof of financial responsibility defaults in any of its undertakings or agreements, the Commissioner shall not thereafter accept any certificate of that carrier so long as the default continues and shall revoke licenses previously granted on the basis of its policies unless the default is immediately repaired.

Code 1950, § 46-462; 1958, c. 541, § 46.1-474; 1989, c. 727.

§ 46.2-443. Chapter not applicable to certain policies of insurance

This chapter does not apply to:

1. Policies of automobile insurance against liability which may now or hereafter be required by any other law of the Commonwealth and such policies if endorsed to the requirements of this chapter shall be accepted as proof of financial responsibility when required under this chapter; or

2. Policies insuring solely the insured named in the policy against liability resulting from the maintenance, use, or operation by persons in the insured's employ or in his behalf of motor vehicles not owned by the insured.

Code 1950, § 46-463; 1958, c. 541, § 46.1-475; 1989, c. 727.

§ 46.2-444. Surety requirements of bond

The bond mentioned in subdivision 2 of § 46.2-436 shall be duly executed by the person giving proof and by a surety company duly authorized to transact business in the Commonwealth or by the person giving proof and by one or more individual sureties owning real estate within the Commonwealth and having an equity therein in at least the amount of the bond and the real estate shall be scheduled in the bond. But the Commissioner may not accept any real estate bond unless it is first approved by the circuit court of the jurisdiction wherein the real estate is located.

Code 1950, § 46-465; 1958, c. 541, § 46.1-476; 1989, c. 727.

§ 46.2-445. How bond to be conditioned

The Commissioner shall not accept any bond unless it is conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy furnished by the person giving proof.

Code 1950, § 46-466; 1958, c. 541, § 46.1-477; 1989, c. 727.

§ 46.2-446. Notice to Commissioner prerequisite to cancellation of bond; cancellation not to affect rights arising prior thereto

No bond shall be cancelled unless twenty days' prior written notice of cancellation is given the Commissioner, but cancellation of the bond shall not prevent recovery thereon with respect to any right or cause of action arising prior to the date of cancellation.

Code 1950, § 46-467; 1958, c. 541, § 46.1-478; 1989, c. 727.

§ 46.2-447. Bond to constitute lien on real estate of surety

A bond with individual sureties shall constitute a lien in favor of the Commonwealth on the real estate of any individual surety. The lien shall exist in favor of any holder of any final judgment against the principal on account of damage to property or injury to or death of any person or persons resulting from the ownership, maintenance, use, or operation of his, or any other, motor vehicle, upon the recording of the bond in the office of the clerk of the court where deeds are admitted to record of the city or county where the real estate is located.

Code 1950, § 46-468; 1958, c. 541, § 46.1-479; 1989, c. 727.

§ 46.2-448. Notice of cancellation; record; fees

Notice of cancellation is to be signed by the Commissioner or by someone designated by him and the seal of the Department placed thereon. Notwithstanding any other provision of law the clerk shall record the notice in the books kept for the recording of deeds and shall index the same in the indices thereto for grantors and grantees, under the respective names of the individual sureties in the column for grantors, and the Commonwealth of Virginia in the column for grantees, for which he shall receive two dollars and fifty cents to be paid by the principal in full payment of all services in connection with the recordation and release of the bond. The clerk shall place on the notice a statement showing the time of recording and the book and page of recording and return the notice to the Commissioner.

Code 1950, § 46-469; 1958, c. 541, § 46.1-480; 1989, c. 727.

§ 46.2-449. Cancellation of bond with individual sureties; certificates of cancellation

When a bond with individual sureties filed with the Commissioner is no longer required under this chapter, the Commissioner shall, on request, cancel it as to liability for damage to property or injury to or death of any person or persons thereafter caused and when a bond has been cancelled by the Commissioner or otherwise he shall, on request, furnish a certificate of the cancellation signed by him or by someone designated by him and bearing the seal of the Department. The certificate, notwithstanding any other provision of law, may be recorded in the office of the clerk of the court in which the bond was admitted to record.

Code 1950, § 46-470; 1958, c. 541, § 46.1-481; 1989, c. 727.

§ 46.2-450. Order discharging lien of bond

On satisfactory proof that the bond filed with the Commissioner as provided for in this chapter has been cancelled and that there are no claims or judgments against the principal in the bond on account of damage to property or injury to or death of any person or persons resulting from the ownership, maintenance, use, or operation of a motor vehicle of the principal caused while the bond was in effect, the court in which the bond was admitted to record may enter an order discharging the lien of the bond on the real estate of the sureties thereon, upon their petition and at their proper cost.

Code 1950, § 46-471; 1958, c. 541, § 46.1-482; 1989, c. 727.

§ 46.2-451. Action or suit on bond

If a final judgment rendered against the principal on the bond filed with the Commissioner as provided in this chapter is not satisfied within fifteen days after its rendition, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action on the bond in the name of the Commonwealth against the company or persons executing the bond.

Code 1950, § 46-472; 1958, c. 541, § 46.1-483; 1989, c. 727.

§ 46.2-452. Parties to suit on bond with individual sureties

When the sureties on the bond filed with the Commissioner as provided in this chapter are individuals the judgment creditor may proceed against any or all parties to the bond at law for a judgment or in equity for a decree and foreclosure of the lien on the real estate of the sureties. The proceeding whether at law or in equity may be against one, all, or any intermediate number of the parties to the bond and when less than all are joined other or others may be impleaded in the same proceeding and after final judgment or decree other proceedings may be instituted until full satisfaction is obtained.

Code 1950, § 46-473; 1958, c. 541, § 46.1-484; 1989, c. 727.

§ 46.2-453. Proof of financial responsibility by delivering cash or securities

A person may give proof of financial responsibility by delivering to the Commissioner cash or securities equal to the sum of the liability coverage required for bodily injury or death of two or more persons in any one accident and injury to or destruction of property of others in any one accident as prescribed by § 46.2-472. Securities so deposited shall be such as public bodies may invest in according to § 2.2-4500.

Code 1950, § 46-474; 1954, c. 378; 1958, cc. 501, 541, § 46.1-485; 1968, c. 685; 1978, c. 220; 1980, c. 484; 1986, c. 16; 1989, c. 727.

§ 46.2-454. Moneys or securities to be deposited with State Treasurer subject to execution

All moneys or securities delivered to the Commissioner pursuant to this chapter shall be placed by him in the custody of the State Treasurer and shall be subject to execution to satisfy any judgment within the limits on amounts required by this chapter for motor vehicle liability insurance policies. The State Treasurer shall certify the value of such moneys or securities to the Commissioner as soon as practicable after their delivery to him.

Code 1950, § 46-475; 1958, c. 541, § 46.1-486; 1986, c. 16; 1989, c. 727.

§ 46.2-455. Assessment for expense of holding deposits

For the purpose of defraying the expense of the safekeeping and handling of the cash or securities deposited with him under the provisions of this title, in December of each year the State Treasurer shall levy against each person having cash or securities deposited with him an assessment of not more than one-tenth of one percent of the cash or of the par value of the securities deposited to his account, and shall collect the assessment in January of each year. These funds shall be deposited to the general fund of the state treasury. If any assessment is not paid by January 31 of each year, the State Treasurer shall so notify the Commissioner in writing, attaching thereto a dated copy of the original assessment.

1986, c. 16, § 46.1-486.1; 1989, c. 727.

§ 46.2-456. Additional security if fund impaired by any legal process, or otherwise

Whenever the moneys or securities are subjected to attachment, garnishment, execution, or other legal process or are otherwise depleted or threatened with depletion or impairment in amount or value the depositor must immediately furnish additional moneys or securities, free from lien, claim, or threat of impairment, in sufficient amount or value fully to comply with the requirements of this chapter.

The Treasurer shall notify the Commissioner promptly of any depletion, impairment, or decrease or of any legal threat of depletion, impairment, or decrease in the value of the securities or in the moneys on deposit with him under the provisions of this chapter.

Code 1950, § 46-476; 1958, c. 541, § 46.1-487; 1989, c. 727.

§ 46.2-457. Substitution of new proof; cancellation or return of old

The Commissioner may cancel any bond or return any certificate of insurance and on the substitution and acceptance by him of other adequate proof of financial responsibility pursuant to this chapter, and on his direction to such effect the State Treasurer shall return any money or securities on deposit with him to the person entitled to it.

Code 1950, § 46-477; 1958, c. 541, § 46.1-488; 1989, c. 727.

§ 46.2-458. Interpleader to determine rights in deposits; other proceedings

The Commissioner and the State Treasurer, or either, may proceed in equity by bill of interpleader for the determination of any dispute as to ownership of or rights in any deposit held by the State Treasurer pursuant to this chapter and may have recourse to any other appropriate proceeding for determination of any question that arises as to their rights or liabilities or as to the rights or liabilities of the Commonwealth under this chapter.

Code 1950, § 46-478; 1958, c. 541, § 46.1-489; 1989, c. 727.

§ 46.2-459. When other proof of financial responsibility required; suspension of license pending furnishing of proof required

Whenever any proof of financial responsibility filed by any person under this chapter no longer fulfills the purpose for which required, the Commissioner shall require other proof of financial responsibility as required by this chapter and shall suspend the person's driver's license, registration cards and license plates pending the furnishing of proof as required.

Nonpayment of the assessment provided for in § 46.2-455 shall also be reason for suspension of the driver's license, registration cards and license plates of a person offering cash or securities as proof of financial responsibility under this chapter. The suspension shall be promptly initiated by the Commissioner on receipt of written notice of nonpayment of the assessment from the State Treasurer and shall take effect ten days from the date of a written notice sent by the Commissioner to the person by first-class mail, the notice to notify the person of the forthcoming suspension if payment is not received within the ten-day period.

Code 1950, § 46-479; 1958, c. 541, § 46.1-490; 1984, c. 780; 1986, c. 16; 1989, c. 727.

§ 46.2-460. When Commissioner to consent to cancellation of bond or policy, or return of money or securities

The Commissioner, on request and subject to the provisions of § 46.2-461, shall consent to the cancellation of any bond or insurance policy or to the return to the person entitled thereto of any money or securities deposited pursuant to this chapter as proof of financial responsibility or he shall not require proof of financial responsibility in the event:

1. Of the death of the person on whose behalf the proof was filed;
2. Of his permanent incapacity to operate a motor vehicle; or
3. That the person who has given proof of financial responsibility surrenders his driver's license, and all of his registration cards, and license plates to the Commissioner.

Code 1950, § 46-480; 1958, c. 541, § 46.1-491; 1984, c. 780; 1989, c. 727.

§ 46.2-461. When Commissioner not to release proof of financial responsibility; affidavit of nonexistence of facts

A. Notwithstanding the provisions of § 46.2-460 the Commissioner shall not release the proof in the event:

1. Any action for damages upon a liability included in this chapter is then pending;
2. Any judgment on any liability is then outstanding and unsatisfied; or
3. The Commissioner has received notice that the person involved has within the period of twelve months immediately preceding been involved as a driver in any motor vehicle accident.

B. An affidavit of the applicant of the nonexistence of these facts shall be sufficient evidence thereof in the absence of evidence in the records of the Department tending to indicate the contrary.

Code 1950, § 46-481; 1958, c. 541, § 46.1-492; 1989, c. 727.

§ 46.2-462. New license or registration to person to whom proof surrendered

Whenever any person to whom proof has been surrendered as provided in § 46.2-460 applies for a driver's license or the registration of a motor vehicle, the application shall be refused unless the applicant reestablishes proof as required by this chapter.

Code 1950, § 46-482; 1958, c. 541, § 46.1-493; 1984, c. 780; 1989, c. 727.

§ 46.2-463. Penalty for forging evidence of financial responsibility

Any person who forges or without authority signs any evidence of ability to respond in damages or knowingly attempts to employ or use any evidence of ability to respond in damages, as required by the Commissioner in the administration of this chapter shall be guilty of a Class 1 misdemeanor.

Code 1950, § 46-485; 1958, c. 541, § 46.1-496; 1989, c. 727.

Article 16. Assignment of Insurance Risks**§ 46.2-464. Application for assignment of risk to insurance carrier**

Every person who has been unable to obtain a motor vehicle liability policy shall have the right to apply to the State Corporation Commission to have his risk assigned to an insurance carrier licensed to write and writing motor vehicle liability insurance in the Commonwealth and the insurance carrier, whether a stock or mutual company, reciprocal, or interinsurance exchange, or other type or form of insurance organization, as provided in this article shall issue a motor vehicle liability policy which will meet at least the minimum requirements for establishing financial responsibility as provided in this chapter, and in addition shall provide, at the option of the insured, reasonable motor vehicle physical damage and medical payments coverages, (both as defined in § 38.2-124) in the same policy.

Every person who has otherwise obtained a motor vehicle liability insurance policy, or who has been afforded motor vehicle liability insurance under the provisions of § 38.2-2015, but who was not afforded motor vehicle medical payments insurance or motor vehicle physical damage insurance in the same policy, or who was not afforded such coverages under the provisions of that section, shall have the right to apply to the Commission to have his risk assigned to an insurance carrier, as provided above, licensed to write and writing either or both coverages, and the insurance carrier shall issue a policy providing the coverage or coverages applied for.

Code 1950, § 46-486; 1958, c. 541, § 46.1-497; 1972, c. 842; 1974, c. 88; 1989, c. 727.

§ 46.2-465. Optional coverage for persons occupying insured motor vehicle and for named insured and his family

Once an assigned risk policy has been issued to an insured, every insurer licensed in the Commonwealth issuing or delivering any policy or contract of bodily injury liability insurance, or of property damage liability insurance, covering liability arising from the ownership, maintenance, or use of any motor vehicle shall provide on request of the insured, on payment of premium established by law for the coverage (i) to the named insured and, while resident of the named insured's household, the spouse and relatives of the named insured while occupying a motor vehicle or if struck by a motor vehicle while not occupying a motor vehicle; and (ii) to persons occupying the insured motor vehicle, the following health care and disability benefit for each accident:

1. Medical and chiropractic payments (accident insurance as defined in Article 2, § 38.2-101 et seq. of Chapter 1 of Title 38.2) coverages incurred within two years after the date of the accident, up to \$2,000 per person;
2. If the person is usually engaged in a remunerative occupation, an amount equal to the loss of income incurred within one year after the date of the accident resulting from injuries received in the accident up to \$100 per week during the period from the first work day lost as a result of the accident up to the date on which the person is able to return to his usual occupation and for a period not to exceed fifty-two weeks or any part thereof; and
3. The insured has the option of purchasing either or both of the coverages set forth in subdivisions 1 and 2 of this section.

1972, c. 859, § 46.1-497.1; 1973, c. 294; 1977, c. 112; 1982, c. 450; 1989, c. 727.

§ 46.2-466. Regulations for assignment, rate classifications, and schedules

The Commission may make reasonable regulations for the assignment of risks to insurance carriers.

It shall establish rate classifications, rating schedules, rates, and regulations to be used by insurance carriers issuing assigned risk, policies of motor vehicle liability, physical damage, and medical payments insurance in accordance with this chapter as appear to it to be proper.

In the establishment of rate classifications, rating schedules, rates, and regulations, it shall be guided by the principles and practices which have been established under its statutory authority to regulate motor vehicle liability, physical damage, and medical payments insurance rates and it may act in conformity with its statutory discretionary authority in such matters.

Code 1950, § 46-487; 1958, c. 541, § 46.1-498; 1972, c. 842; 1989, c. 727.

§ 46.2-467. Action within power of Commission

The Commission may, in its discretion, after reviewing all information pertaining to the applicant or policyholder available from its records, the records of the Department or from other sources:

1. Refuse to assign an application;
2. Approve the rejection of an application by an insurance carrier;
3. Approve the cancellation of a policy of motor vehicle liability, physical damage, and medical payments insurance by an insurance carrier; or
4. Refuse to approve the renewal or the reassignment of an expiring policy.

Code 1950, § 46-488; 1958, c. 541, § 46.1-499; 1972, c. 842; 1989, c. 727.

§ 46.2-468. Information filed with Commission by insurance carrier confidential

Any information filed with the Commission by an insurance carrier in connection with an assigned risk shall be confidential and solely for the information of the Commission and its staff and shall not be disclosed to any person, including an applicant, policyholder, and any other insurance carrier.

Code 1950, § 46-489; 1958, c. 541, § 46.1-500; 1989, c. 727.

§ 46.2-469. Commission not required to disclose reasons for action; liability of Commission for act or omission

A. The Commission shall not be required to disclose to any person, including the applicant or policyholder, its reasons for:

1. Refusing to assign an application;
2. Approving the rejection of an application by an insurance carrier;
3. Approving the cancellation of a policy of motor vehicle liability, physical damage, and medical payments insurance by an insurance carrier; or
4. Refusing to approve the renewal or the reassignment of an expiring policy.

B. The Commission or anyone acting for it shall not be held liable for any act or omission in connection with the administration of the duties imposed upon it by the provisions of this chapter, except upon proof of actual malfeasance.

Code 1950, § 46-490; 1958, c. 541, § 46.1-501; 1972, c. 842; 1989, c. 727.

§ 46.2-470. Assignment of risks for nonresidents

The provisions of this chapter relevant to assignment of risks shall be available to nonresidents who are unable to obtain a policy of motor vehicle liability, physical damage, and medical payments insurance with respect only to motor vehicles registered and used in the Commonwealth.

Code 1950, § 46-491; 1958, c. 541, § 46.1-502; 1972, c. 842; 1989, c. 727.

§ 46.2-471. Assignment of risks for certain carriers

Notwithstanding the provisions of § 46.2-366, the provisions of this chapter relating to assignment of risks shall be available to carriers by motor vehicle who are required by law to carry public liability and property damage insurance for the protection of the public.

Code 1950, § 46-491.1; 1954, c. 345; 1958, c. 541, § 46.1-503; 1989, c. 727.

Article 17. Motor Vehicle Liability Insurance Policies

§ 46.2-472. Coverage of owner's policy

A. For all policies effective on or after January 1, 2022, but prior to January 1, 2025, every motor vehicle owner's policy shall:

1. Designate by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is intended to be granted.
2. Insure as insured the person named and any other person using or responsible for the use of the motor vehicle or motor vehicles with the permission of the named insured.
3. Insure the insured or other person against loss from any liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property caused by accident and arising out of the ownership, use, or operation of such motor vehicle or motor vehicles within the Commonwealth, any other state in the United States, or Canada, subject to a limit exclusive of interest and costs,

with respect to each motor vehicle, of \$30,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$60,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident.

B. For all policies effective on or after January 1, 2025, every motor vehicle owner's policy shall:

1. Designate, by explicit description or appropriate reference, all motor vehicles with respect to which coverage is intended to be granted.
2. Insure as insured the person named and any other person using or responsible for the use of the motor vehicle or vehicles with the permission of the named insured.
3. Insure the insured or other person against loss from any liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property caused by an accident and arising out of the ownership, use, or operation of such motor vehicle or vehicles within the Commonwealth, any other state in the United States, or Canada, subject to a limit exclusive of interest and costs, with respect to each motor vehicle, of \$50,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$100,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$25,000 because of injury to or destruction of property of others in any one accident.

Code 1950, § 46-492; 1954, c. 378; 1958, cc. 501, 541, § 46.1-504; 1968, c. 685; 1972, c. 433; 1975, c. 382; 1978, c. 550; 1989, cc. 621, 727; 2021, Sp. Sess. I, c. [273](#).

§ 46.2-473. Coverage of driver's policy

Every driver's policy shall insure the person named therein as insured against loss from the liability imposed upon him by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property arising out of the use by him of any motor vehicle not owned by him, within the territorial limits and subject to the limits of liability set forth with respect to a motor vehicle owner's policy.

Code 1950, § 46-493; 1958, c. 541, § 46.1-505; 1989, c. 727.

§ 46.2-474. Policy must contain certain agreement; additional coverage

Every policy of insurance subject to the provisions of this chapter:

1. Shall contain an agreement that the insurance is provided in accordance with the coverage defined in this chapter as respects bodily injury, death, property damage, and destruction and that it is subject to all the provisions of this chapter and of the laws of the Commonwealth relating to this kind of insurance; and
2. May grant any lawful coverage in excess of or in addition to the coverage herein specified and this excess or additional coverage shall not be subject to the provisions of this chapter but shall be subject to other applicable laws of the Commonwealth.

Code 1950, § 46-494; 1958, c. 541, § 46.1-506; 1989, c. 727.

§ 46.2-475. Policy must comply with law

No policy required under this chapter shall be issued or delivered in the Commonwealth unless it complies with §§ [38.2-2218](#) through [38.2-2225](#), with all other applicable and not inconsistent

laws of the Commonwealth, and with the terms and conditions of this chapter.

Code 1950, § 46-495; 1958, c. 541, § 46.1-507; 1989, c. 727.

§ 46.2-476. Liability covered by workers' compensation law

Policies issued under this chapter shall not insure any liability of the employer on account of bodily injury to, or death of, an employee of the insured for which benefits are payable under any workers' compensation law.

Code 1950, § 46-496; 1958, c. 541, § 46.1-508; 1989, c. 727.

§ 46.2-477. When chapter applicable to policy

This chapter shall not apply to any policy of insurance except as to liability thereunder incurred after certification thereof as proof of financial responsibility.

Code 1950, § 46-496.1; 1958, c. 541, § 46.1-509; 1989, c. 727.

§ 46.2-478. Several policies together meeting requirements of chapter

Several policies of one or more insurance carriers which together meet the requirements of this chapter shall be deemed a motor vehicle liability policy within the meaning of this chapter.

Code 1950, § 46-497; 1958, c. 541, § 46.1-510; 1989, c. 727.

§ 46.2-479. Provisions to which every policy shall be subject but need not contain

Every policy shall be subject to the following provisions which need not be contained therein:

1. The liability of any insurance carrier to the insured under a policy becomes absolute when loss or damage covered by the policy occurs and the satisfaction by the insured of a judgment for the loss or damage shall not be a condition precedent to the right or duty of the carrier to make payment on account of the loss or damage;
2. No policy shall be cancelled or annulled, as respects any loss or damage, by any agreement between the carrier and the insured after the insured has become responsible for the loss or damage and any attempted cancellation or annulment shall be void;
3. If the death of the insured occurs after the insured has become liable, during the policy period, for loss or damage covered by the policy, the policy shall not be terminated by the death with respect to the liability and the insurance carrier shall be liable hereunder as though death had not occurred;
4. On the recovery of a judgment against any person for loss or damage, if the person or the decedent he represents was at the accrual of the cause of action insured against the liability under the policy, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment;
5. If the death, insolvency, or bankruptcy of the insured occurs within the policy period, the policy during the unexpired portion of the period shall cover the legal representatives of the insured; and
6. No statement made by the insured or on his behalf and no violation of the terms of the policy shall operate to defeat or avoid the policy so as to bar recovery within the limits provided in this chapter.

Code 1950, § 46-498; 1958, c. 541, § 46.1-511; 1989, c. 727.

§ 46.2-480. Reimbursement of carrier and proration of insurance

Any policy may provide:

1. That the insured, or any other person covered by the policy, shall reimburse the insurance carrier for payments made on account of any accident, claim, or suit involving a breach of the terms, provisions, or conditions of the policy; or
2. For proration of the insurance with other applicable valid and collectible insurance.

Code 1950, § 46-499; 1958, c. 541, § 46.1-512; 1989, c. 727.

§ 46.2-481. Binder or endorsement in lieu of policy

Insurance carriers authorized to issue policies as provided in this chapter may, pending the issuance of the policy, execute an agreement to be known as a binder, which shall not be valid beyond sixty days from the date it becomes effective, or may, in lieu of a policy, issue an endorsement to an existing policy, each of which shall be construed to provide indemnity or protection in like manner and to the same extent as a formal policy. The provisions of this chapter apply to these binders and endorsements.

Code 1950, § 46-500; 1958, c. 541, § 46.1-513; 1989, c. 727.

§ 46.2-482. Notification of cancellation or termination of certified policy

When any insurance policy certified under this chapter is cancelled or terminated, the insurer shall report the fact to the Commissioner within fifteen days after the cancellation on a form prescribed by the Commissioner.

1976, c. 259, § 46.1-513.2; 1989, c. 727.

Article 18. Driver License Compact

§ 46.2-483. Compact enacted into law; terms

The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

THE DRIVER LICENSE COMPACT

Article I

Findings and Declaration of Policy

(a) The party states find that:

- (1) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.
- (2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.
- (3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

Article II

Definitions

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

Article III

Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

Article IV

Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or

under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

Article V

Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

Article VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

Article VII

Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this

compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

Article VIII

Entry Into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

Article IX

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

1968, c. 166, § 46.1-167.8; 1989, c. 727.

§ 46.2-484. Department of Motor Vehicles to be "licensing authority" within meaning of compact; duties of Department

As used in the compact, the term "licensing authority" with reference to this Commonwealth shall mean the Department of Motor Vehicles. The Department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

1968, c. 166, § 46.1-167.9; 1989, c. 727 .

§ 46.2-485. Compensation and expenses of compact administrator

The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

1968, c. 166, § 46.1-167.10; 1989, c. 727 .

§ 46.2-486. Governor to be "executive head" within meaning of compact

As used in the compact, with reference to the Commonwealth, the term "executive head" shall mean the Governor.

1968, c. 166, § 46.1-167.11; 1989, c. 727 .

§ 46.2-487. Statutes and ordinances deemed to cover offenses specified in subdivision (a) of Article IV of compact

For the purposes of complying with subdivisions (a) and (c) of Article IV of the compact, the following sections of the Code of Virginia and county, city, or town ordinances substantially paralleling such sections shall be deemed to cover the offenses of subdivision (a) of Article IV: With respect to subdivision (2), §§ [18.2-266](#) and [46.2-341.24](#) A; with respect to subdivision (4), §§ [46.2-894](#) through [46.2-899](#) subject to the limitation that the accident resulted in the death or personal injury of another; with respect to subdivisions (1) and (3), the Department shall determine which offenses are covered in the same manner as under § [46.2-389](#).

1968, c. 166, § 46.1-167.12; 1989, c. 727; 1994, c. [255](#).

§ 46.2-488. Question to be included in application for driver's license; surrender of license issued by another party state

For the purpose of enforcing subdivision (3) of Article V of this compact, the Department shall include as part of the form for application for a driver's license under § [46.2-323](#) a question whether the applicant is currently licensed in another state and shall, if the applicant is so licensed, require the surrender of such license prior to the granting of such application in accordance with the provisions of this chapter.

1968, c. 166, § 46.1-167.13; 1984, c. 780; 1989, c. 727 .

Article 19. Driver Improvement Program

§ 46.2-489. Regulations; appeals

The Commissioner may, subject to the provisions of § [46.2-203](#), promulgate regulations which he deems necessary to carry out the provisions of this article.

Any person receiving an order of the Commissioner to suspend or revoke his driver's license or licensing privilege or to require attendance at a driver improvement clinic or placing him on probation may, within thirty days from the date of the order, file a petition of appeal in accordance with § [46.2-410](#).

1974, c. 453, § 46.1-514.2; 1989, c. 727; 1995, c. [672](#).

§ 46.2-490. Establishment of driver improvement clinic program; application fees

A. The Commissioner shall, in his discretion, contract with such entities as the Commissioner deems fit, including private or governmental entities, to develop curricula for a statewide driver improvement clinic program. Such program shall include instruction concerning but not limited to (i) alcohol and drug abuse, (ii) aggressive driving, (iii) distracted driving, (iv) motorcycle awareness, and (v) work zone safety. The driver improvement clinic program shall be established for the purpose of instructing persons identified by the Department and the court system as

problem drivers in need of driver improvement education and training and for those drivers interested in improved driving safety. The clinics shall be composed of uniform education and training programs designed for the rehabilitation of problem drivers, and for the purpose of creating a lasting and corrective influence on their driving performance. The clinics shall operate in localities based on their geographical location so as to be reasonably accessible to persons attending these clinics.

B. All businesses, organizations, governmental entities or individuals that want to provide driver improvement clinic instruction as a driver improvement clinic or instructor in the Commonwealth using approved curricula shall apply to the Department to be licensed to do so, based on criteria established by the Department. Such license shall be valid for a period of two years. A nonrefundable license application fee of \$150 shall be paid to the Department by all such businesses, organizations, governmental entities or individuals. A nonrefundable license fee of \$40 shall also be paid for each additional clinic location operated by a clinic. A nonrefundable license fee of \$75 shall be paid to the Department by a person applying for a clinic instructor license.

The first certification issued for additional clinic locations and clinic instructors shall expire on the same date the original clinic's certification expires, and the first application or license fee may be prorated on a monthly basis. Thereafter, the renewal period for any additional clinic locations and clinic instructors shall match that of the original clinic.

However, neither the license application fee for each additional clinic location nor the license application fee for a clinic instructor license shall be required of or collected from the Virginia Association of Volunteer Rescue Squads or its members in connection with clinics that are provided for emergency vehicle operation training. All such application fees collected by the Department shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

1974, c. 453, § 46.1-514.3; 1989, c. 727; 1995, c. 672; 2002, c. 177; 2004, c. 622; 2007, c. 180; 2023, cc. 308, 309.

§ 46.2-490.1. Section 46.2-391.1 not applicable

The provisions of § 46.2-391.1 shall not apply to any person whose license or other privilege to operate a motor vehicle is suspended or revoked in accordance with the provisions of this article.

1992, c. 109.

§ 46.2-490.2. Repealed

Repealed by Acts 2004, c. 622.

§ 46.2-490.3. Definitions

As used in this chapter, unless the context requires a different meaning:

"Computer-based clinic provider," means any clinic licensed by the Department to conduct driver improvement clinics via the Internet or other electronic means approved by the Department.

"Driver improvement clinic" or "clinic" means an individual, partnership or corporation, institution of higher education, or government entity licensed by the Department as prescribed by this chapter for the purpose of instructing persons identified by the Department and the court system as problem drivers; in need of driver improvement education and training; and for drivers

interested in improving their own knowledge of highway safety.

"Instructor" means any person, whether acting for himself as operator of a driver training clinic or for such clinic for compensation, who is licensed by the Department as prescribed by this chapter and who teaches, conducts classes, gives demonstrations, or supervises persons undergoing mandatory or voluntary driver improvement training.

2004, c. 622.

§ 46.2-490.4. Action on applications; hearing on denial

The Commissioner shall act on any application for a clinic or instructor license under this chapter within 30 days after receipt by either granting or denying the application. Any applicant denied a clinic or instructor license shall, on his written request, made within 30 days, be given a hearing at a time and place determined by the Commissioner or his designee. All hearings under this section shall be public and shall be held promptly. The applicant may be represented by counsel. Any applicant denied a license may not apply again for a license for 30 days from the date of denial of the application or outcome of the hearing.

2004, c. 622.

§ 46.2-490.5. Suspension, revocation, cancellation or refusal to renew clinic license or instructor license; imposition of monetary penalties

A. Except as otherwise provided in this section, no license issued under this chapter shall be suspended, revoked, or cancelled or renewal thereof denied, and no monetary penalty shall be imposed pursuant to § 46.2-490.6, unless the licensee has been furnished a written copy of the complaint against him and the grounds upon which the action is taken and has been offered an opportunity for an administrative hearing to show cause why such action should not be taken.

B. The order suspending, revoking, canceling, or denying renewal of a license, or imposing a monetary penalty, except as otherwise provided in subsection D of this section, shall not become effective until the licensee has had 30 days after notice of the opportunity for a hearing to make a written request for such a hearing. If no hearing has been requested within such 30-day period, the order shall become effective and no hearing shall thereafter be held. Except as provided in subsection D of this section, a timely request for a hearing shall automatically stay operation of the order until after the hearing.

C. Notice of an order suspending, revoking, canceling or denying renewal of a license, or imposing a monetary penalty and advising the licensee of the opportunity for a hearing shall be mailed to the licensee by registered mail to the clinic address as shown in the Department's records and shall be considered served when mailed.

D. Notwithstanding the provisions of subsection B of this section, if the Commissioner makes a finding, after conducting a preliminary investigation, that the conduct of a licensee (i) is in violation of this chapter, regulations adopted pursuant to this chapter, or criteria established by the Department pursuant to this chapter, and (ii) such violation constitutes a danger to public safety, the Commissioner may issue an order suspending, revoking, or denying renewal of the instructor's license, the clinic's license, or both, as deemed appropriate by the Commissioner. Orders suspending, revoking, or denying renewal of such license pursuant to this subsection shall be effective immediately. Notice of the suspension, revocation or denial shall be in writing and mailed in accordance with subsection C of this section. Upon receipt of a request for a hearing

appealing the suspension, the licensee shall be afforded the opportunity for a hearing as soon as practicable, but no longer than 30 days of receipt of the hearing request. The suspension shall remain in effect pending the outcome of the hearing.

2004, c. [622](#).

§ 46.2-490.6. Civil penalties

In addition to any other sanctions or remedies available to the Commissioner under this chapter, the Commissioner may assess a civil penalty not to exceed \$1,000 for any violation of any provision of this chapter, any regulation promulgated thereunder, or any criteria established by the Department pursuant to this chapter. The penalty may be sued for and recovered in the name of the Commonwealth.

2004, c. [622](#).

§ 46.2-490.7. Acts of owners, operators, officers, directors, partners, and instructors

If a licensee is a partnership or corporation, it shall be sufficient cause for the denial, suspension, or revocation of a clinic license if any, owner, operator, officer, director, or trustee of the partnership or corporation, or any member in the case of a partnership, has committed any act or omitted any duty which would be cause for refusing, suspending, or revoking a license issued to him as an individual under this chapter. Each licensee shall be responsible for the acts of any of his instructors while acting as his agent, if the clinic approved of those acts or had knowledge of those acts or other similar acts and after such knowledge retained the benefit, proceeds, profits, or advantages accruing from those acts or otherwise ratified those acts.

2004, c. [622](#).

§ 46.2-490.8. Grounds for denying, suspending, or revoking licenses of clinics and clinic instructors

A clinic or instructor license may be denied, suspended, or revoked on any one or more of the following grounds:

1. Material misstatement or omission in an application for a driver improvement clinic license or a driver improvement clinic instructor license;
2. Failure to comply subsequent to receipt of a written warning from the Department for any willful failure to comply with any provision of this chapter or any regulation promulgated by the Commissioner under this chapter; or any criteria established by the Department pursuant to this chapter;
3. Defrauding any student in a driver improvement clinic, or any other person in the conduct of a driver improvement clinic's business;
4. Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the statutes of the Commonwealth;
5. Having used deceptive acts or practices;
6. Knowingly advertising by any means any assertion, representation, or statement of fact which is untrue, misleading, or deceptive in any particular relating to the conduct of a clinic;
7. Having been convicted of any fraudulent act in connection with a driver improvement clinic or

driver training school, or any consumer-related fraud;

8. Having been convicted of any criminal act involving the operation of a driver improvement clinic or driver training school;
9. Having been convicted of a felony;
10. Failing or refusing to pay civil penalties imposed by the Department pursuant to § 46.2-490.6. 2004, c. 622.

§ 46.2-490.9. Unlawful acts; prosecution; proceedings in equity

A. It shall be unlawful for any person to engage in any of the following acts:

1. Operate as a driver improvement clinic or as an instructor without holding a valid license as required by statute or regulation;
2. Make use of any designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly licensed;
3. Perform any act or function that is restricted by statute or regulation to persons holding a driver improvement clinic or instructor license, without being duly licensed;
4. Materially misrepresenting facts in an application for a license;
5. Willfully refusing to furnish the Department information or records required or requested pursuant to statute, regulation, or criteria established by the Department pursuant to § 46.2-490.

B. In addition to the provisions of subsection A of this section, the Department may institute proceedings in equity to enjoin any person from engaging in any unlawful act enumerated in this section. Such proceedings shall be brought in the name of the Commonwealth in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides.

C. Any person who willfully engages in any unlawful act enumerated in this section shall be guilty of a Class 1 misdemeanor.

2004, c. 622.

§ 46.2-490.10. Changes in form of ownership or name

Any change in the form of ownership or the addition or deletion of a partner shall require a new application and license. The addition or deletion of a clinic site or change in the name of a clinic shall require immediate notification to the Department and the Department may endorse the change on the license as appropriate. The change of an officer or director of a corporation shall be made at the time of license renewal.

2004, c. 622.

§ 46.2-490.11. Reports, records of licensed computer-based clinic providers

A. The Department is hereby authorized to require annual, periodical, or special reports from computer-based clinic providers the Department has authorized to conduct clinics; to prescribe the manner and form in which such reports shall be made; and to require from such computer-based clinic providers specific answers to all questions upon which the Department may deem information to be necessary. Such reports shall be under oath whenever the Department so

requires. The Department may also require any computer-based clinic provider to file with it a true copy of each or any contract, agreement, or arrangement between such licensees and any person in relation to the provisions of this chapter.

B. The Department may, in its discretion, prescribe (i) the forms of any and all accounts, records, and memoranda to be kept by licensed computer-based clinic providers and (ii) the length of time such accounts, records, and memoranda shall be preserved.

2004, c. 622.

§ 46.2-491. Persons included within scope of article

This article shall apply to (i) every resident of the Commonwealth, regardless of whether he possesses a driver's license issued by the Department and (ii) every nonresident to whom the Department has issued a driver's license.

1974, c. 453, § 46.1-514.5; 1989, c. 727; 1995, c. 672.

§ 46.2-492. Uniform Demerit Point System

A. The Commissioner shall assign point values to those convictions, or findings of not innocent in the case of a juvenile, which are required to be reported to the Department in accordance with § 46.2-383 for traffic offenses committed in violation of the laws of the Commonwealth or any county, city, or town ordinance paralleling and substantially conforming to state law, provided that no conviction, or finding of not innocent in the case of a juvenile for any offense, relating to registration, insurance, or equipment shall be included except as otherwise provided by this title.

B. The Commissioner shall assign point values to those convictions received from any other state of the United States, the United States, Canada or its provinces, or any territorial subdivision of any of them, of an offense therein, which if committed in this Commonwealth, would be required to be reported to the Department by § 46.2-383.

C. No point assignment shall be made for any conviction which results from a vehicle having been parked or stopped, in order for the driver to sleep or rest, on the shoulder or other portion of a highway not ordinarily used for vehicular traffic. The court shall make a separate finding on this issue and note such finding on the conviction record.

D. The Uniform Demerit Point System standard for rating convictions of traffic offenses shall be based on the severity of the offense and the potential hazardous exposure to other users of the highways and streets. The Commissioner shall designate the point values assigned to convictions, or findings of not innocent in the case of a juvenile, on a graduated scale not to exceed six demerit points for any single conviction. The Commissioner shall develop point system assignments as follows:

1. Serious traffic offenses such as driving while intoxicated in violation of § 18.2-266, persons under age twenty-one driving after illegally consuming alcohol in violation of § 18.2-266.1, reckless driving in violation of § 46.2-852, speeding twenty or more miles per hour above the posted speed limit, racing in violation of § 46.2-865, and other serious traffic offenses as the Commissioner may designate, shall be assigned six demerit points.

2. Relatively serious traffic offenses such as failure to yield the right-of-way in violation of §§ 46.2-820 through 46.2-823, speeding between ten and nineteen miles per hour above the posted speed limit, following too closely in violation of § 46.2-816, failure to stop when entering a

highway in violation of § 46.2-863, aggressive driving in violation of § 46.2-868.1 and other relatively serious traffic offenses as the Commissioner may designate, shall be assigned four demerit points.

3. Traffic offenses of a less serious nature such as improper driving in violation of § 46.2-869, speeding between one and nine miles per hour above the posted speed limit, improper passing in violation of § 46.2-838, failure to obey a highway sign in violation of § 46.2-830 and other offenses of a less serious nature as the Commissioner may designate, shall be assigned three demerit points.

E. When a person is convicted of two or more traffic offenses committed on a single occasion, he shall be assessed points for one offense only and if the offenses involved have different point values, he shall be assessed points for the offense having the greater point value.

1974, c. 453, § 46.1-514.6; 1976, c. 86; 1989, c. 727; 1992, c. 856; 1998, c. 430; 2002, cc. 752, 782.

§ 46.2-493. Demerit points valid for two years

Demerit points, assigned to any conviction, or finding of not innocent in the case of a juvenile, shall be valid for a period of two years from the date the offense was committed. Demerit points used prior to the termination of the two-year period as the basis for suspension, revocation, probation, or other action which extends beyond the two-year period shall remain valid until the suspension, revocation, probationary period, or other action has terminated.

1974, c. 453, § 46.1-514.7; 1989, c. 727.

§ 46.2-494. Safe driving point credit

Every resident or nonresident person holding a valid Virginia driver's license whose driving record does not contain any suspension, revocation, conviction, or finding of not innocent in the case of a juvenile, of a traffic violation, during any calendar year shall be awarded one safe driving point. One safe driving point shall be awarded for each calendar year of safe driving, but no person shall be permitted to accumulate more than five safe driving points. The Commissioner shall apply these points to offset an equivalent number of demerit points, if any, to the chronologically earliest offense conviction, or finding of not innocent in the case of a juvenile, for which demerit points have been assigned and are valid. If subsequent to awarding a safe driving point to any person, the Department receives a conviction, or finding of not innocent in the case of a juvenile, for an offense which occurred during the period for which a safe driving point was awarded for and which requires the Department to assess demerit points, the safe driving point shall be invalidated.

1974, c. 453, § 46.1-514.8; 1978, c. 44; 1989, c. 727.

§ 46.2-495. Advisory letters

Whenever the driving record of any person who is eighteen years old or older shows an accumulation of at least eight demerit points based on convictions for traffic offenses committed within a period of twelve consecutive months, or at least twelve demerit points based on convictions for traffic offenses committed within a period of twenty-four consecutive months, respectively, the Commissioner may mail, by first-class mail, to the last known address of the person an advisory letter listing his convictions and the demerit points assigned thereto, including his safe driving points, if any, and furnish any other information deemed appropriate and applicable to the rehabilitation of the person, for the purpose of preventing subsequent

traffic offenses.

The Department's failure to mail, or the citizen's nonreceipt of the advisory letter shall not be grounds for waiving any other provision of this article.

1974, c. 453, § 46.1-514.9; 1984, c. 673; 1989, c. 727; 1995, c. [672](#); 1998, cc. [124](#), [792](#).

§§ 46.2-496, 46.2-497. Repealed

Repealed by Acts 1995, c. [672](#).

§ 46.2-498. Driver improvement clinics; voluntary attendance

A. Whenever the driving record of any person who is eighteen years old or older shows an accumulation of at least twelve demerit points based on convictions for traffic offenses committed within a period of twelve consecutive months, or at least eighteen demerit points based on convictions for traffic offenses committed within a period of twenty-four consecutive months, respectively, the Commissioner shall direct the person to attend a driver improvement clinic.

B. Except for those persons whose licenses are subject to the restrictions of § [46.2-334.01](#), whenever the driving record of a person under the age of eighteen years shows an accumulation of (i) at least nine points based on convictions for traffic offenses committed within a period of twelve consecutive months or (ii) at least twelve points based on convictions for traffic offenses committed within a period of twenty-four consecutive months, the Commissioner shall direct the person to attend a driver improvement clinic and such person shall be subject to probation pursuant to § [46.2-499](#).

C. Except as provided for in subsection D of this section and in §§ [46.2-334.01](#) and [46.2-505](#), every person who attends a driver improvement clinic conducted by the Department or those businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction and who satisfactorily completes the clinic shall have five demerit points subtracted from his total accumulation of demerit points, except in those instances where a person has not accumulated five demerit points, in which case a reduction in demerit points and/or the award of safe driving points will be made. No person shall be allowed to accumulate more than five safe driving points.

Safe driving points shall be awarded or reductions in premium charges, as set forth in § [38.2-2217](#), shall be received for the completion of a driver improvement clinic only once within a period of two years from the date a person satisfactorily completes the clinic. Persons shall be eligible to voluntarily attend a driver improvement clinic again for either safe driving points or a reduction in premium charges, whichever was not awarded or received previously, one year from the date of satisfactory completion of a driver improvement clinic in which safe driving points or a reduction in premium charges was received or awarded.

D. Any resident or nonresident person holding a valid license to drive a motor vehicle in Virginia, whether or not he has accumulated demerit points, may apply to any business, organization, governmental entity or individual certified by the Department to provide driver improvement clinic instruction for permission to attend a driver improvement clinic on a voluntary basis. Such businesses, organizations, governmental entities or individuals may, when seating space is available, schedule the person to attend a driver improvement clinic.

Persons who voluntarily attend and satisfactorily complete a driver improvement clinic shall be

eligible (i) to have five demerit points subtracted from their total accumulation of demerit points, except in those instances where a person has not accumulated five demerit points, in which case a reduction in demerit points and/or the award of safe driving points will be made, or (ii) to receive a reduction in premium charges as set forth under § 38.2-2217, either of which, but not both, shall be awarded or received no more than once in a two-year period, as set forth in subsection C of this section. Such persons shall inform the business, organization or individual providing instruction if they are attending to be awarded safe driving points or to receive a reduction in premium charges as set forth under § 38.2-2217.

1974, c. 453, § 46.1-514.12; 1982, c. 671; 1984, c. 673; 1989, c. 727; 1995, cc. 226, 672; 1996, cc. 307, 1035; 1998, cc. 124, 792.

§ 46.2-499. Driver's license probation

A. The Commissioner shall place on probation for a period of six months any person who has been directed to attend a driver improvement clinic pursuant to the provisions of § 46.2-498. In addition, the Commissioner shall place any person on probation for a period of six months on receiving a record of a conviction of such person of any offense for which demerit points are assessed and the offense was committed within any driver control period imposed pursuant to § 46.2-500. Whenever a person who has been placed on probation is convicted, or found not innocent in the case of a juvenile, of any offense for which demerit points are assessed, and the offense was committed during the probation period, the Commissioner shall suspend the person's license for a period of ninety days when six demerit points are assigned, for a period of sixty days when four demerit points are assigned, and for a period of forty-five days when three demerit points are assigned. In addition, the Commissioner shall again place the person on probation for a period of six months, effective on termination of the suspension imposed pursuant to this section.

B. Upon request, the Commissioner shall grant a restricted license during the first period of suspension imposed pursuant to subsection A of this section provided the person is otherwise eligible to be licensed. Any person whose driver's license is suspended for a second or subsequent time under subsection A of this section shall be eligible to receive a restricted driver's license only if the violation occurred within a probation period that was immediately preceded by a control period. A restricted license may be issued for any of the purposes set forth in subsection E of § 18.2-271.1. Written verifications of the person's employment, continuing education or medically necessary travel shall also be required and made available to the Commissioner. Whenever a person who has been granted a restricted license pursuant to this subsection is convicted, or found not innocent in the case of a juvenile, of any offense for which demerit points are assessed, and the offense was committed during the restricted license period, the Commissioner shall suspend the person's license using the same demerit point criteria and suspension periods set forth in subsection A of this section. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

C. Whenever the Department receives notice from the court that restricted license privileges have been granted to a person who has an existing restricted license issued pursuant to subsection B of this section, the existing restricted license shall be cancelled, and the Commissioner shall suspend the person's license for the period of time remaining on the original order of suspension. No court-granted restricted license shall be issued until the end of the suspension period imposed by the Commissioner.

1974, c. 453, § 46.1-514.13; 1978, c. 221; 1984, c. 673; 1989, c. 727; 1994, c. 849; 1995, c. 672; 1996, cc. 943, 994; 2001, cc. 645, 779.

§ 46.2-500. Driver control period

Whenever an individual is placed on probation pursuant to §§ 46.2-498, 46.2-499 or § 46.2-506, the Commissioner shall also place the person on driver control status for a period of eighteen months following the termination of the probationary period. If the individual commits any violation during the driver control period for which points are assessed, the Commissioner shall again place the individual on probation for a period of six months and on driver control status for an additional period of eighteen months following the probationary period.

1984, c. 673, § 46.1-514.13:1; 1989, c. 727; 1995, c. 672.

§ 46.2-501. Notice to attend driver improvement clinic

A. Any notice to attend a driver improvement clinic shall contain:

1. Information on how to schedule a driver improvement clinic.
2. The purpose of the driver improvement clinic, including the consequences of not attending the clinic program.
3. An explanation of the terms of the probationary licensing period.
4. A requirement stating that the clinic must be satisfactorily completed within ninety days from the date of the notice. The Commissioner may for good cause shown, and provided the person provides the Commissioner with satisfactory evidence documenting the need and soonest date of return, extend the time limit otherwise provided for attending such a clinic when the person directed to attend a driver improvement clinic is (i) attending an institution of higher education outside Virginia, and attendance is to coincide with a break in the school year of such institution of higher education, provided that jurisdiction does not offer an approved driver improvement clinic or (ii) in the military or is a military dependent and is stationed outside the United States or outside the Commonwealth in a jurisdiction that does not offer an approved driver improvement clinic.

B. The notice directing any person to attend a driver improvement clinic shall be forwarded by certified mail to the last known address of the person, as shown on the records of the Department.

1974, c. 453, § 46.1-514.14; 1989, c. 727; 1995, c. 672; 2002, c. 385.

§ 46.2-502. Clinic fees

A. The Department and all businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction may charge a fee not to exceed \$100, which shall include the processing fee set forth in subsection B of this section, to persons notified by the Department to attend a driver improvement clinic. No person shall be permitted to attend a driver improvement clinic unless the person first pays the required attendance fee to the business, organization, governmental entity or individual providing the driver improvement clinic instruction.

B. All businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction shall collect for the Department a processing fee

of \$10 from each person attending a driver improvement clinic taught by such businesses, organizations, governmental entities or individuals. Such processing fee payments shall accompany the clinic rosters submitted to the Department by such businesses, organizations, governmental entities or individuals. No such processing fee, however, shall be required or collected from members of volunteer emergency medical services agencies and volunteer fire departments who attend such clinics in order to successfully complete training for emergency vehicle operation. All fees collected by the Department under this subsection shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

1974, c. 453, § 46.1-514.15; 1984, c. 673; 1987, c. 696; 1989, c. 727; 1992, c. 459; 1995, c. 672; 1996, c. 171; 1998, c. 437; 2013, c. 326; 2015, cc. 502, 503.

§ 46.2-503. Suspension of privilege to operate a motor vehicle for failure to attend clinics

The Commissioner shall suspend the privilege to operate a motor vehicle of any person who fails to satisfactorily complete a driver improvement clinic. This suspension shall remain in effect until such person satisfactorily completes the driver improvement clinic. This section shall not be applicable to persons attending clinics on a voluntary basis.

1974, c. 453, § 46.1-514.16; 1984, c. 673; 1989, c. 727; 1995, c. 672.

§ 46.2-504. Form and contents of order of probation, suspension or revocation; service

Whenever the Commissioner issues a probation, suspension or revocation order in accordance with any provision of this chapter, the order shall provide the addressee with a minimum of ten days' notice and shall be served as provided in § 46.2-416.

1974, c. 453, § 46.1-514.17; 1980, c. 704; 1984, c. 673; 1989, c. 727.

§ 46.2-505. Court may direct defendant to attend driver improvement clinic

A. Any circuit or general district court or juvenile court of the Commonwealth, or any federal court, charged with the duty of hearing traffic cases for offenses committed in violation of any law of the Commonwealth, or any valid local ordinance, or any federal law regulating the movement or operation of a motor vehicle, may require any person found guilty, or in the case of a juvenile found not innocent, of a violation of any state law, local ordinance, or federal law, to attend a driver improvement clinic or a mature driver motor vehicle crash prevention course as provided for in § 38.2-2217. The attendance requirement may be in lieu of or in addition to the penalties prescribed by § 46.2-113, the ordinance, or federal law. The court shall determine if a person is to receive safe driving points upon satisfactory completion of a driver improvement clinic conducted by the Department or by any business, organization, governmental entity or individual certified by the Department to provide driver improvement clinic instruction. In the absence of such notification, no safe driving points shall be awarded by the Department.

B. Notwithstanding the provisions of subsection A, no court shall, as a result of a person's attendance at a driver improvement clinic or a mature driver motor vehicle crash prevention course, reduce, dismiss, or defer the conviction of a person charged with any offense committed while operating a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.) or any holder of a commercial driver's license charged with any offense committed while operating a noncommercial motor vehicle.

C. Persons required by the court to attend a driver improvement clinic or a mature driver motor

vehicle crash prevention course shall notify the court if the driver improvement clinic or mature driver motor vehicle crash prevention course has or has not been attended and satisfactorily completed, in compliance with the court order. Failure of the person to attend and satisfactorily complete a driver improvement clinic or mature driver motor vehicle crash prevention course, in compliance with the court order, may be punished as contempt of such court.

1974, c. 453, § 46.1-514.18; 1989, c. 727; 1995, c. 672; 2002, c. 724; 2008, c. 190; 2014, c. 282.

§ 46.2-506. Formal hearings; suspension for excessive point accumulation

A. Whenever the operating record of any person shows a continued disregard of the motor vehicle laws subsequent to being placed on probation, he may be charged as a reckless or negligent driver of a motor vehicle, and cited for a formal hearing in accordance with the provisions of §§ 46.2-402 through 46.2-408. If the hearing results in the suspension of a person's driving privilege, the person shall be placed on probation at the end of the suspension period in accordance with the provisions of § 46.2-499.

B. Whenever the operating record of any person shows an accumulation of at least eighteen demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic violations committed within any twelve consecutive months, or at least twenty-four demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic violations committed within any twenty-four consecutive months, respectively, the Commissioner shall suspend the person's license or licenses for a period of ninety days and thereafter until he attends and satisfactorily completes a driver improvement clinic. At the end of this suspension period, the person shall be placed on probation in accordance with the provisions of § 46.2-499.

1974, c. 453, § 46.1-514.19; 1984, c. 673; 1989, c. 727; 1995, c. 672.