

Code of Virginia
Title 46.2. Motor Vehicles
Subtitle I. General Provisions; Department of Motor Vehicles
Chapter 2. Department of Motor Vehicles

Article 1. Powers and Duties of Department, Generally

§ 46.2-200. Department of Motor Vehicles

There shall be a Department of Motor Vehicles in the executive department, responsible to the Secretary of Transportation. The Department shall be under the supervision and management of the Commissioner of the Department of Motor Vehicles.

The Department shall be responsible for the administration of the motor vehicle license, registration and title laws; the issuance, suspension, and revocation of driver's licenses; the examination of applicants for and holders of driver's licenses; the administration, training, disciplining, and assignment of examiners of applicants for driver's licenses; the administration of the safety responsibility laws, fuel tax laws, the provisions of this title relating to transportation safety, and dealer licensing laws; the registration of carriers of passengers or property and vehicles that may be required to be registered under the International Registration Plan or pay road tax as described under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 under the International Fuel Tax Agreement; the audit of carriers of passengers or property for compliance with registration and road tax requirements; proof of financial responsibility; and any other services that may be required to create a single point of contact for motor carriers operating within and without the Commonwealth, including the operation of permanent and mobile motor carrier service centers.

Code 1950, § 46-26; 1958, c. 541, § 46.1-25; 1984, cc. 778, 780; 1989, c. 727; 1990, cc. 1, 317; 1995, cc. 744, 803; 1997, c. 283; 2001, cc. 70, 82.

§ 46.2-201. Appointment of Commissioner; term; vacancies

The Commissioner shall be appointed by the Governor, subject to confirmation by the General Assembly, if in session when such appointment is made and if not in session, then at its next succeeding session. He shall hold his office at the pleasure of the Governor for a term coincident with that of each Governor making the appointment or until his successor shall be appointed and qualified. Vacancies shall be filled for the unexpired term in the same manner as original appointments are made.

Code 1950, § 46-24; 1958, c. 541, § 46.1-23; 1989, c. 727.

§ 46.2-202. Oath and bond; salary

The Commissioner, before entering on the discharge of his duties, shall take an oath that he will faithfully and impartially discharge all the duties of his office, and he shall be bonded in accordance with § 2.2-1840. The Commissioner shall receive the salary appropriated for the purpose.

Code 1950, § 46-25; 1958, c. 541, § 46.1-24; 1989, c. 727; 2021, Sp. Sess. I, c. 152.

§ 46.2-203. Regulations; violation; forms for applications, certificates, licenses, etc

Subject to the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, the Commissioner may adopt reasonable administrative regulations necessary to carry out the laws administered by the

Department and may enforce these regulations and laws through the agencies of the Commonwealth he may designate. A violation of any such regulation shall constitute a Class 4 misdemeanor. He shall also provide suitable forms for applications, certificates of title, registration cards, license plates, and driver's licenses. Unless otherwise required in this title, he shall provide all other forms requisite for the purpose of this title.

Code 1950, § 46-27; 1958, c. 541, § 46.1-26; 1984, c. 780; 1989, c. 727.

§ 46.2-203.1. Provision of updated addresses by persons completing forms; acknowledgment of future receipt of official notices

Whenever any person completes a form for an application, certificate of title, registration card, license plate, driver's license, and any other form requisite for the purpose of this title, or whenever any person is issued a summons for a violation of the motor vehicle laws of the Commonwealth, he shall provide his current address on the form or summons. By signing the form or summons, the person acknowledges that (i) the address is correct; (ii) any official notice, including an order of suspension, will be sent by (a) prepaid first class mail to the address on the signed form with the most current date or (b) by other means of communication, including email or other electronic address, if such electronic address is provided to the Department on the signed form; and (iii) the notice shall be deemed to have been accepted by the person if sent to any such address.

1993, c. 24; 2020, cc. [701](#), [964](#), [965](#).

§ 46.2-203.2. Emergency contact information program

A. As used in this section, "emergency contact" means a person 18 years of age or older whom the customer may designate to be contacted by a law-enforcement officer in an emergency situation.

B. The Department may establish an emergency contact information program to assist law-enforcement personnel in emergency situations. To establish such a program, a person who currently holds a credential issued by the Department under Chapter 3 (§ [46.2-300](#) et seq.) or completes an application for the same may voluntarily submit emergency contact information for inclusion in his customer record with the Department. Such emergency contact information may include the name, relationship to the customer, address, and telephone number for an individual the customer designates as a contact in the event of an emergency situation.

C. Any person voluntarily submitting emergency contact information to the Department for inclusion in the applicant's customer record is responsible for maintaining current emergency contact information with the Department. Each applicant submitting emergency contact information to the Department shall certify in his application that he has notified the person he has designated as an emergency contact that such information will be supplied to the Department. The Department shall provide a method by which applicants submitting emergency contact information to the Department may submit such information electronically pursuant to § [46.2-216.1](#). Customers may add, modify, or delete information at any time. Such modifications or deletions will overwrite all previously provided information.

D. In the event of an emergency situation, the Department shall make emergency contact information in customer records electronically available to a law-enforcement officer who in the exercise of his official duties requires assistance in reaching a customer's emergency contact. Emergency contact information provided to the Department by the customer shall only be disclosed as permitted in this section and shall not be considered a public record subject to

disclosure under the Freedom of Information Act and shall not be subject to disclosure by court order or other means of discovery.

E. In the absence of gross negligence or willful misconduct, the Department, its employees, and law-enforcement officers shall be immune from any civil or criminal liability in connection with the maintenance and use of emergency contact information voluntarily provided by customers for use in an emergency situation.

2015, c. [162](#);2021, Sp. Sess. I, c. [544](#).

§ 46.2-204. Medical Advisory Board

For the purpose of enabling the Department of Motor Vehicles to comply with its responsibilities under this title, there is hereby created a Medical Advisory Board for the Department. The Board shall consist of seven licensed physicians currently practicing medicine in Virginia appointed by the Governor. Appointments to the Board shall be for four-year terms and vacancies shall be filled by appointment for the unexpired portion of a term. The Governor shall designate the chairman of the Board.

The Commissioner may refer to the Board for an advisory opinion the case of any person applying for a driver's license or renewal thereof, or of any person whose license has been suspended or revoked, or of any person being examined under the provisions of § [46.2-322](#), when he has cause to believe that such person suffers from an impairment that will prevent his exercising reasonable and ordinary control over a motor vehicle while driving it on the highways. The Medical Advisory Board shall provide guidance and recommendations to the Department regarding any case of a person examined under the provisions of § [46.2-322](#) who appeals the outcome of the examination pursuant to § [46.2-321](#) if the basis for such appeal is related to the medical evidence in the case. However, appeals related to the examinee's (i) failure to follow procedures, (ii) failure to pass knowledge or behind-the-wheel tests, or (iii) evaluation by a driver rehabilitation specialist are not required to be referred to the Board. The Board shall submit to the Department its recommendations for consideration prior to the scheduled appeal proceedings. In addition, the Board shall assist the Commissioner through the development of medical and health standards for use in the issuance of driver's licenses by the Department to avoid the issuance of licenses to persons suffering from any impairment that will prevent their exercising reasonable and ordinary control over a motor vehicle while driving it on the highways.

The Board shall meet at the pleasure of the Commissioner. Each member shall serve without compensation but shall be reimbursed for his necessary expenses from funds appropriated to the Department of Motor Vehicles.

1968, c. 168, § 46.1-26.1; 1974, c. 453; 1980, c. 728; 1984, c. 780; 1989, c. 727; 2017, c. [120](#);2024, c. [414](#).

§ 46.2-205. Department offices and agencies; agreements with dealers

A. The Commissioner shall maintain his office in the Commonwealth at a location which he determines to be appropriate. He may appoint agents and maintain branch offices in the Commonwealth in whatever locations he determines to be necessary to carry out this title.

The personnel of each branch office and each agency shall be appointed by the Commissioner and shall be bonded in an amount fixed by the Commissioner. The person in charge of the branch office and each agency shall deposit daily in the local bank, or at such other intervals as may be

designated by the Commissioner, to the account of the State Treasurer, all moneys collected, and shall submit daily to the Commissioner, or at such other intervals as may be designated by the Commissioner, a complete record of what each deposit is intended to cover. The Commissioner shall not be held liable in the event of the loss of any moneys collected by such agents resulting from their failure to deposit such money to the account of the State Treasurer.

The compensation of the personnel of each branch office and each agency is to be fixed by the Commissioner. The compensation fixed for each nonautomated agency for the purpose of maintaining adequate annual service to the public shall be three and one-half percent of the first \$500,000 of gross collections made by the agency, two percent of the next \$500,000 of gross collections made by the agency, and one percent of all gross collections in excess of \$1,000,000 made by the agency during each fiscal year.

The compensation fixed for each automated agency for the purpose of maintaining adequate annual service to the public shall be three and one-half percent of gross collections made by the agency during each fiscal year.

The compensation awarded shall belong to the agents for their services under this section, and the Commissioner shall cause to be paid all freight, cartage, premium on bond and postage, but not any extra clerk hire or other expenses occasioned by their duties.

B. The Commissioner may enter into an agreement with any Virginia-licensed motor vehicle dealer, recreational vehicle dealer, trailer dealer, or motorcycle dealer to act as an agent of the Commissioner as provided in subsection A. Motor vehicle dealers, recreational vehicle dealers, trailer dealers, and motorcycle dealers who act as agents of the Commissioner of the Department of Motor Vehicles as authorized in this subsection shall be compensated as provided in subsection A.

Code 1950, §§ 46-29, 46-31; 1950, p. 299; 1954, c. 585; 1958, c. 541, §§ 46.1-28, 46.1-30; 1970, c. 754; 1972, c. 408, 609; 1974, c. 48; 1979, c. 20; 1989, c. 727; 1999, c. 308; 2002, c. 110; 2003, c. 991; 2015, c. 615.

§ 46.2-205.1. Expired

Expired.

§ 46.2-205.2. Agreements with other agencies or contractors for other agencies; collection of fees

The Commissioner may enter into an agreement with an agency of the Commonwealth, any other state, or the federal government, or where the underlying contract permits, a contractor for such state or federal agency, to conduct customer service transactions on behalf of that agency for the benefit of Virginia residents. For each such transaction conducted, the Department shall collect from the customer any transaction fee required by the responsible agency or contractor and remit the same to that agency or contractor in accordance with the terms of the agreement. However, the Department may receive a portion of the transaction fee required by the responsible agency or contractor in accordance with the terms of the agreement in order to defray the costs of the transaction to the Department. The Department may also impose and collect a processing fee to be used to defray the costs of the transaction to the Department. The amount of the processing fee, if imposed, shall be \$2, unless otherwise specified by law. Any transaction fees received from the responsible agency or contractor or processing fees imposed and collected by the Department from the agency, contractor, or customer under this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

For purposes of this section, "state," when applied to a part of the United States, means any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, and the United States Virgin Islands.

2012, cc. [215](#), [222](#); 2016, c. [368](#).

§ 46.2-206. Disposition of fees

Except as otherwise provided in this title, all fees and moneys collected pursuant to the provisions of Chapters 1, 2, 3, 6, 8, 10, 12, and 16 through 26 of this title shall be paid into the state treasury, and warrants for the expenditure of funds necessary for the proper enforcement of this title shall be issued by the Comptroller on certificates of the Commissioner or his representatives, designated by him and bonded, that the parties are entitled thereto, and shall be paid by the State Treasurer out of such funds, not exceeding the amount appropriated in the general appropriation bill.

These funds, except as is otherwise provided in this section, shall constitute special funds within the Commonwealth Transportation Fund to be expended (i) under the direction of the Commissioner of Highways for the construction, reconstruction, and maintenance of roads and bridges in the primary state highway system, interstate system, and secondary state highway system and (ii) as authorized by the Commissioner for the expenses incident to the maintenance of the Department, including its customer service centers, and for other expenses incurred in the enforcement of this title. Any funds available for construction or reconstruction under the provisions of this section shall be, as nearly as possible, equitably apportioned by the Commonwealth Transportation Commission among the several construction districts. Beginning July 1, 1998, any balances remaining in these funds at the end of the fiscal year shall be available for use in subsequent years for the purposes set forth in this section, and any interest income on such funds shall accrue to the respective individual special funds.

There may be paid out of these funds such sums as may be provided by law for (i) contributions toward the construction, reconstruction, and maintenance of streets in cities or towns and (ii) the operation and maintenance of the Department of Transportation, the Department of Rail and Public Transportation, the Department of Aviation, the Virginia Port Authority, the Department of State Police, and the Department of Motor Vehicles.

Code 1950, § 46-179; 1958, cc. 541, 626, § 46.1-167; 1983, c. 566; 1987, c. 696; 1989, c. 727; 1997, c. [423](#).

§ 46.2-206.1. Repealed

Repealed by Acts 2008, cc. [656](#) and [657](#), cl. 1, effective March 27, 2008.

§ 46.2-207. Uncollected checks and electronic payments tendered for license fees or taxes; penalty

The penalty set forth in subsection C of § [2.2-614.1](#), or ten percent of the amount of the check or electronic payment, whichever is greater, shall be in addition to any other penalties imposed by the Motor Vehicle Laws of Virginia, except in a case where there is a specific penalty set forth by statute for the nonpayment or late payment of fees or taxes, in which case subsection C of § [2.2-614.1](#) shall apply only in the amount it exceeds the specific penalty. All moneys collected by the Commissioner from the penalties imposed under this section and § [2.2-614.1](#) shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the

Department of Motor Vehicles.

1972, c. 67, § 46.1-35.1; 1974, c. 210; 1976, c. 20; 1982, c. 671; 1987, c. 696; 1989, c. 727; 2001, c. 800; 2002, c. 719.

§ 46.2-208. Records of Department; when open for inspection; release of privileged information

A. The following information shall be considered privileged and unless otherwise provided for in this title shall not be released except as provided in subsection B:

1. Personal information as defined in § 2.2-3801;
2. Driver information, defined as all data that relates to driver's license status and driver activity;
3. Special identification card information, defined as all data that relates to identification card status; and
4. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data, but excluding crash data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical information included in personal information shall be released only to a physician, a physician assistant, or an advanced practice registered nurse in accordance with a proceeding under §§ 46.2-321 and 46.2-322.

2, 3. [Repealed.]

4. Upon the request of (i) the subject of the information, (ii) the parent of a minor who is the subject of the information, (iii) the guardian of the subject of the information, (iv) the authorized agent or representative of the subject of the information, or (v) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent of a minor who is the subject of the information, (c) the guardian of the subject of the information, (d) the authorized agent or representative of the subject of the information, or (e) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver, special identification card, or vehicle information. If the requester is requesting such information in the scope of his official business as counsel from a public defender's office or as counsel appointed by a court, such records shall be provided free of charge.

5. Upon the written request of any insurance carrier or surety, or authorized agent of either, the Commissioner shall furnish to such requester information in the record of any person subject to the provisions of this title. The transcript shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report filed pursuant to § 46.2-373. No such report of any conviction or crash shall be made after 60 months from the date of the conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or crash pertaining thereto shall not be reported

after 60 months from the date that the driver's license or driving privilege has been reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

6. Upon the written request of any business organization or its authorized agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. Upon the written request of any business organization or its authorized agent, the Commissioner shall provide vehicle information to the requester. Disclosures made under this subdivision shall not include any personal information, driver information, or special identification card information and shall not be subject to the limitations contained in subdivision 6.

8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information of any person subject to the provisions of this title. Such information shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the information was involved and a report of which was filed pursuant to § 46.2-373. No such information shall include any record of any conviction or crash more than 60 months after the date of such conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or crash pertaining thereto shall cease to be included in such information after 60 months from the date on which the driver's license or driving privilege was reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

9. Upon the request of 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, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records. The Commissioner shall also provide driver, special identification card, and vehicle information as requested pursuant to this subdivision. The Commissioner may release other appropriate information to the governmental entity upon request. Upon request in accordance with this subdivision, the Commissioner shall furnish a certificate, under seal of the Department, setting forth a distinguishing number or license plate of a motor vehicle, trailer, or semitrailer, together with the name and address of its owner. The certificate shall be prima facie evidence in any court in the Commonwealth of the ownership of the vehicle, trailer, or semitrailer to which the distinguishing number or license plate has been assigned by the Department. However, the

Commissioner shall not release any photographs pursuant to this subdivision unless the requester provides the depicted individual's name and other sufficient identifying information contained on such individual's record. The information in this subdivision shall be provided free of charge.

The Department shall release to a requester information that is required for a requester to carry out the requester's official functions in accordance with this subdivision. If the requester has entered into an agreement with the Department, such agreement shall be in a manner prescribed by the Department, and such agreement shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which the information shall be used is one of the requester's official functions, the Commissioner shall refuse to enter into any agreement. If the requester submits a request for information in accordance with this subdivision without an existing agreement to receive the information, the request shall be in a manner prescribed by the Department, and such request shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall deny such request.

Notwithstanding the provisions of this subdivision, the Department shall not disseminate to any federal, state, or local government entity, law-enforcement officer, or law-enforcement agency any privileged information for any purposes related to civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. When responding to a lawful judicial order, judicial subpoena, or judicial warrant, the Department shall disclose only those records or information specifically requested. Within three business days of receiving a request for information for the purpose of civil immigration enforcement, the Commissioner shall send a notification to the individual about whom such information was requested that such a request was made and the identity of the entity that made such request.

The Department shall not enter into any agreement pursuant to subsection E with a requester pursuant to this subdivision unless the requester certifies that the information obtained will not be used for civil immigration purposes or knowingly disseminated to any third party for any purpose related to civil immigration enforcement.

10. Upon the request of the driver licensing authority in any foreign country, the Commissioner shall provide whatever driver and vehicle information the requesting authority shall require to carry out its official functions. The information shall be provided free of charge.

11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of an individual's record, including all convictions, all crashes, any type of driver's

license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, or forfeiture, provided that such individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

b. For the purpose of obtaining information regarding commercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of such individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, forfeitures, or disqualifications, provided that such individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle.

12. Upon the written request of any member of a volunteer fire company or volunteer emergency medical services agency and with written consent of the individual concerned, or upon the request of an applicant for membership in a volunteer fire company or to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide driver information in the form of a transcript of the individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency and the transcript is needed by the requester to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a Virginia affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent of the individual who is the subject of the information and has applied to be a volunteer with the requester, or on the written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil Air Patrol, or Faith in Action, and with the consent of the individual who is the subject of the information and applied to be a volunteer vehicle operator with the requester, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide driver information in the form of a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer or volunteer vehicle operator with the requester as provided in this subdivision.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15, 16. [Repealed.]

17. Upon the request of an attorney representing a person involved in a motor vehicle crash, the Commissioner shall provide the vehicle information for any vehicle involved in the crash and the name and address of the owner of any such vehicle.

18. Upon the request, in the course of business, of any authorized agent of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide (i) all vehicle information, the owner's name and address, descriptive data and title, registration, and vehicle activity data, as requested, or (ii) the driver name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth, provided that such request includes the driver's license number or address information of such driver. Use of such information shall be limited to use in connection with insurance claims investigation activities, antifraud activities, rating, or underwriting.

19. [Repealed.]

20. Upon the written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Virginia Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. (For contingent expiration date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator of a toll facility, a traffic light signal violation monitoring system acting on behalf of a government entity, a traffic control device violation monitoring system acting on behalf of a government entity, or the Dulles Access Highway, or an authorized agent or employee of a toll facility operator, a traffic light signal violation monitoring system operator acting on behalf of a government entity, a traffic control device violation monitoring system operator acting on behalf of a government entity, or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection A of § 33.2-504, subsection M of § 46.2-819.1, subsection P of § 46.2-819.3:1, or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to (i) the name, physical address, and, if available, email or other electronic address of the owner of the vehicle having failed to pay a toll, comply with a traffic light signal, or comply with a traffic control device or having improperly used the Dulles Access Highway and (ii) the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

21. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator of a toll facility, a traffic light photo monitoring system acting on behalf of a government entity, or the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo monitoring system operator acting on behalf of a government entity or the

Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection A of § 33.2-504, subsection M of § 46.2-819.1, subsection P of § 46.2-819.3:1, or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name, physical address, and, if available, email or other electronic address of the owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title registration data of the same vehicle.

22-26. [Repealed.]

27. Upon the written request of the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special identification card by the Department, supply the requester with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. [Repealed.]

29. a. Upon written agreement, the Commissioner may digitally verify the authenticity and validity of a driver's license, learner's permit, or special identification card to the American Association of Motor Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or another organization approved by the Commissioner.

b. Upon written agreement, the Commissioner may release minimum information as needed in the Department's record through any American Association of Motor Vehicle Administrators service program created for the purpose of the exchange of information to any business, government agency, or authorized agent who would otherwise be authorized to receive the information requested pursuant to this section.

30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having passed a stopped school bus and the vehicle information, including all descriptive vehicle data and title and registration data for such vehicle.

31. Upon the request of the operator of a photo speed monitoring device as defined in § 46.2-882.1 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection H of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having committed a vehicle speed violation, as defined in § 46.2-882.1, and the vehicle information, including all descriptive vehicle data and title and registration data, for such vehicle.

32. Notwithstanding the provisions of this section other than subdivision 33, the Department shall not release, except upon request by the subject of the information, the guardian of the subject of the information, the parent of a minor who is the subject of the information, or the authorized agent of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driving credential or a special identification card, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential or a special identification card. As used in this subdivision, "proof document" means any document not originally created by the Department that is submitted to the Department for the issuance of any

driving credential or special identification card. "Proof document" does not include any information contained on a driving credential or special identification card.

33. Notwithstanding the provisions of this section, the Department may release the information in the Department's records that it deems reasonable and necessary for the purpose of federal compliance audits.

34. The Department may release to a party that is subject to an administrative proceeding conducted by the Department nonmedical privileged information necessary to participate in such administrative proceeding. Such information shall be limited to matters of fact and law asserted or questioned by the Department, as are required to be provided pursuant to §§ 2.2-4019 and 2.2-4020. The Department may also release such information to other parties to the same administrative proceeding. Notwithstanding the provisions of subsection E, no information released pursuant to this subdivision shall be disseminated to any third party that is not a party to such administrative proceeding.

C. Information disclosed or furnished shall be assessed a fee as specified in § 46.2-214, unless as otherwise provided in this section.

D. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

E. The Department shall not release any privileged information pursuant to this title unless the Department has entered into a written agreement authorizing such release. The Department shall require the requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the request and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information requested by an entity that has been altered or aggregated may be used only for the original purposes specified in the written agreement consistent with this title. The requesting entity shall disseminate privileged information only to third parties subject to the original purpose specified in the written agreement consistent with this title. Any agreement that does not allow third-party distribution shall include a statement that such distribution is prohibited. Such agreement may limit the scope of any authorized distribution consistent with this title. Privileged information distributed to any third party shall only be further distributed by such third party subject to the original purpose specified and consistent with this title, or unless such third party is 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, the authorized agent or representative of the subject of the information, or the owner of the vehicle that is the subject of the information.

Any agreement entered into pursuant to this subsection between the Department and the Department of State Police shall specify (i) that privileged information shall be distributed only to authorized personnel of an entity meeting the definition of a criminal justice agency as defined in § 9.1-101 and other comparable local, state, and federal criminal justice agencies and entities issued a Virginia S-Originating Agency Identification (S-ORI) status; (ii) that privileged information shall be accessed, used, and disseminated only for the administration of criminal justice as defined in § 9.1-101; and (iii) that no local, state, or federal government entity, through the Virginia Criminal Information Network (VCIN) or any other method of dissemination controlled by the Department of State Police, has access to information stored by the Department in violation of the protections contained in this section. The Department of State

Police shall notify the Department prior to when a new entity is to be granted S-ORI status and provide a copy of the S-ORI application to the Department. The Department of State Police shall not allow any entity to access Department data through VCIN if the Department objects in writing to the entity obtaining such data.

The provisions of this subsection shall not apply to (a) requests for information made pursuant to subdivision B 4; (b) a request made by an entity authorized to receive privileged information pursuant to subsection B, provided that such request is made on a form provided by the Department, other than a written agreement, that requires the requester to certify that such entity is entitled to receive such information pursuant to this title, state the purpose authorized pursuant to subsection B that forms the basis for the request, explain why the information requested is necessary to accomplish the stated purpose, and certify that the information will be used only for the stated purpose and the information received shall not be disseminated to third parties unless there is authorization to do so; or (c) the release of information to a law-enforcement officer or agency during an emergency situation, provided that (1) the requesting entity is authorized to receive such information pursuant to subdivision B 9, (2) the timely release of such information is in the interest of public safety, and (3) the requesting entity completes the form required pursuant to clause (b) within 48 hours of the release of such information.

F. Any person that receives any privileged information that such person knows or has reason to know was received in violation of this title shall not disseminate any such information and shall notify the Department of the receipt of such privileged information.

G. The Department shall conduct audits annually based on a risk assessment to ensure that privileged information released by the Department pursuant to this title is being used as authorized by law and pursuant to the agreements entered into by the Department. If the Department finds that privileged information has been used in a manner contrary to law or the relevant agreement, the Department may revoke access.

H. Any request for privileged information by an authorized agent of a governmental entity shall be governed by the provisions of subdivision B 9.

Code 1950, § 46-32; 1958, c. 541, § 46.1-31; 1964, c. 42; 1976, c. 505; 1979, c. 611; 1980, c. 23; 1982, c. 226; 1986, c. 607; 1989, cc. 705, 727; 1991, c. 307; 1993, cc. 48, 348; 1994, cc. 304, 700, 830, 959; 1995, cc. 118, 657, 676, 686; 1998, cc. 147, 802; 1998, Sp. Sess. I, c. 2; 2002, cc. 131, 710; 2003, c. 768; 2004, cc. 811, 855; 2005, cc. 376, 443; 2006, cc. 396, 846, 859; 2007, cc. 79, 156, 188, 447; 2009, c. 664; 2010, cc. 15, 175, 813, 865; 2011, c. 321; 2013, cc. 673, 789; 2015, cc. 502, 503; 2016, c. 753; 2017, c. 547; 2019, cc. 543, 544; 2020, cc. 701, 1232; 2021, Sp. Sess. I, c. 421; 2023, cc. 183, 325, 326, 738; 2024, cc. 189, 670.

§ 46.2-208.1. Electronic transfer of information in Department records for voter registration purposes

Notwithstanding the provisions of § 46.2-208, the Commissioner shall provide for the electronic transfer of information from the Department's records to the Department of Elections and the general registrars for the purpose of voter registration as required by Chapter 4 (§ 24.2-400 et seq.) of Title 24.2, including but not limited to the purposes of § 24.2-410.1. Except as provided in §§ 24.2-404 and 24.2-444, the Department of Elections and the general registrars shall not make information provided by the Department available to the public and shall not provide such information to any third party.

1999, c. 118;2006, cc. 926, 940;2011, c. 528;2020, c. 701.

§ 46.2-208.2. Repealed

Repealed by Acts 2020, c. 701, cl. 2, effective April 6, 2020.

§ 46.2-208.3. Notice by Department

The Department may send notice of a driver's license renewal pursuant to § 46.2-330 or a vehicle registration renewal in the form of a postcard to a customer at the address shown on the records of the Department. Notwithstanding the provisions of § 46.2-208, the Department may put sufficient information on the face of the postcard to provide the recipient with adequate notice of renewal. Such information shall only be disclosed as permitted in this section.

2020, c. 701.

§ 46.2-209. Release of information in Department records for motor vehicle research purposes

A. For the purposes of this section, "privileged information" means:

1. Personal information as defined in § 2.2-3801;
2. Driver information, defined as all data that relates to driver's license status and driver activity;
3. Special identification card information, defined as all data that relates to identification card status; and
4. Vehicle information, defined as title number and registration number.

B. Notwithstanding the provisions of subsections A and E of § 46.2-208, the Commissioner may furnish privileged information for motor vehicle research purposes, or in other cases wherein, in his opinion, highway safety or the general welfare of the public will be promoted by furnishing the information, and the recipient of the information has agreed in writing with the Commissioner or his designee that the information furnished will be used for no purpose other than the purpose for which it was furnished. No such information shall be used for solicitation of sales. The Commissioner shall not disclose, pursuant to this section, an individual's social security number or lack thereof, driver's license or special identification card number, Individual Tax ID Number, country of origin, immigration status, or place of birth or the type of document issued to the individual pursuant to Chapter 3 (§ 46.2-300 et seq.).

C. No privileged information released pursuant to this section shall be distributed by any recipient of such information to a third party for a purpose other than the purpose for which it was furnished. Privileged information requested by an entity that has been altered or aggregated may only be used for the original purposes specified in the written agreement and shall be subject to the protections of this section. Any agreement that does not allow third-party distribution shall include a statement that such distribution is prohibited. Such agreement may limit the scope of any authorized distribution.

1976, c. 505, § 46.1-31.1; 1989, c. 727; 1994, c. 959;1995, c. 118;2021, Sp. Sess. I, c. 421.

§ 46.2-209.1. Release of vehicle information by Department to prospective vehicle purchasers

Notwithstanding the provisions of subsection A of § 46.2-208, the Commissioner may furnish vehicle information to a prospective purchaser of that vehicle, if the prospective purchaser

completes an application therefor, including the vehicle's make, model, year, and vehicle identification number, and pays the fee prescribed by the Commissioner. Such information furnished by the Commissioner may be provided from the Department's own records, or may be obtained by the Commissioner through the National Motor Vehicle Title Information System or any other nationally recognized system providing similar information.

Notwithstanding the provisions of § 46.2-208, the Commissioner shall furnish vehicle information for a manufactured home to a bona fide prospective purchaser or home owner of such manufactured home, real estate agent, title insurer, settlement agent, attorney, manufactured home dealer, manufactured home broker, or loan officer, provided that any requester completes an application therefor, provides sufficient information to identify the manufactured home and the intent to purchase, and pays the fee prescribed by the Commissioner. Such information furnished by the Commissioner may be provided from the Department's own records or may be obtained by the Commissioner through the National Motor Vehicle Title Information System or any other nationally recognized system providing similar information.

Nothing in this section shall be construed to authorize the release of any personal information, driver information, or special identification card information as defined in § 46.2-208.

2000, cc. 87, 92, 235, 257; 2021, Sp. Sess. I, c. 421; 2022, c. 479.

§ 46.2-210. List of registrations and titles

The Commissioner shall have prepared a list of registrations and titles and furnish it to the commissioner of the revenue of each county and city without cost. The Commissioner shall not make such list available to the public, nor shall any commissioner of the revenue make such list available to any third party.

Code 1950, § 46-33; 1958, c. 541, § 46.1-32; 1989, c. 727; 1994, c. 959.

§ 46.2-211. Commissioner to advise local commissioners of revenue of situs of certain vehicles

Before issuing any registration or certificate of title for any tractor truck, or any three-axle truck, trailer, or semitrailer with a registered gross weight in excess of 26,000 pounds, the Commissioner shall determine the county, city, or town in which the vehicle is or will be normally garaged or parked, and shall advise each commissioner of the revenue of the situs of such vehicles as may be in his jurisdiction. The provisions of this section shall not apply to motor vehicles and rolling stock of certificated intrastate common carriers, or electric power, gas, pipeline transmission, railroad, telegraph, telephone, and water companies.

1974, c. 47, § 46.1-32.1; 1989, c. 727.

§ 46.2-212. Notice given for records supplied

Whenever any records held by the Department are supplied to third persons, the third persons shall notify the subject of the records that the records have been supplied and shall send to the subject a copy of the records.

As used in this section "records supplied to third persons" means all abstracts of operating records held by the Department in which the person who is the subject of the records is identified or identifiable, where the records are made available, in any way, to a person who is not the subject of the records.

This section shall not apply to records supplied to any officials, including court and police officials of the Commonwealth and of any of the counties, cities, and towns of the Commonwealth, and court and law-enforcement officials of other states and of the federal government, provided the records or information supplied is for official use; nor shall this section apply to any records supplied to any insurer or its agents unless insurance is denied or the premium charged therefor is increased either wholly or in part because of information contained in such records.

1976, c. 505, § 46.1-33.1; 1989, c. 727.

§ 46.2-212.1. Payments by payment devices

The Commissioner may authorize the acceptance of payment devices in lieu of money for payment of any fees, fines, penalties, and taxes collected by the Department of Motor Vehicles or agents acting on behalf of the Department. The Department may add to such payment an amount of no more than four percent of the payment as a service charge for the acceptance of a payment device.

The Commissioner may authorize a Department transaction receipt to be used with existing Department documents as evidence that the holder has complied with Department payment requirements, provided that the transaction is completed before the document's expiration date. However, a transaction receipt for expired vehicle registrations that are renewed online within 90 days of expiration with the payment of all required fees may serve as evidence that the holder has complied with Department payment requirements. Any such transaction receipt shall include detailed information as to length of time by which the document's period of validity will be extended and how the transaction receipt is to be verified.

1989, c. 62, § 46.1-33.2; 1996, cc. [943](#), [994](#); 2000, c. [122](#); 2017, c. [547](#).

§ 46.2-212.2. Automatic payments

Upon application of any person, the Commissioner may (i) include in that person's records with the Department such credit card or automated clearing house transfer information as is necessary to enable automatic payments of fees, fines, penalties, and taxes payable by that person to the Department, and (ii) authorize the automatic payment by credit card or electronic funds transfer of any such fees, fines, penalties, and taxes. The Commissioner may procure the services of a third-party vendor for the secure storage of information collected under this section. Prior to the completion of any automatic payment transaction, the Commissioner shall provide notice to the person who has requested automatic payments, which notice shall state the reason for the charge and the amount to be charged, and shall provide the person an opportunity to cancel the transaction.

2013, cc. [673](#), [789](#).

§ 46.2-213. Repealed

Repealed by Acts 2020, c. [701](#), cl. 2, effective April 6, 2020.

§ 46.2-214. Charges for information supplied by Department

The Commissioner may make a reasonable charge for furnishing information under this title, but no fee shall be charged to any official of the Commonwealth, including court and police officials; officials of counties, cities, or towns; local government group self-insurance pools; or court, police, or licensing officials of other states or of the federal government, provided that the

information requested is for official use and such officials do not charge the Commonwealth a fee for the provision of the same or substantially similar information. The fees received by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

1976, c. 505, § 46.1-31.2; 1989, c. 727; 1991, c. 167; 2006, c. 846; 2007, cc. 156, 447; 2016, c. 368.

§ 46.2-214.1. Additional charge for information supplied by Department

Beginning July 1, 2002, in addition to the fee charged pursuant to § 46.2-214, the Commissioner shall charge \$2 for furnishing information under this title, but no fee shall be charged to any official, including court and police officials, of the Commonwealth or any county, city or town of the Commonwealth, or to court, police, and licensing officials of other states or of the federal government, provided that the information requested is for official use.

2003, c. 1042, cl. 9.

§ 46.2-214.2. Waiver of certain fees by Department

The Department may waive the fee for a duplicate driver's license that would have otherwise been imposed by the Department under this title if the person subject to the fee is on active duty with the armed forces of the United States outside the boundaries of the United States.

2008, c. 502.

§ 46.2-214.3. Discount for multiyear registration

A. Pursuant to subsection C of § 46.2-646, for each motor vehicle, trailer, or semitrailer registered, the Commissioner may offer, at his discretion, a discount for multiyear registrations of such vehicles. The discount shall be equal to \$1 for each year of the multiyear registration or fraction thereof. The discount shall not be applicable to any motor vehicle, trailer, or semitrailer registered under the International Registration Plan. When this option is offered and chosen by the registrant, all annual and 12-month fees due at the time of registration shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

B. In addition to the discount authorized in subsection A, for the renewal of registration of each motor vehicle, trailer, or semitrailer pursuant to § 46.2-646, the Commissioner shall offer a discount for renewal when such registration renewal is conducted using the Internet. The discount shall be equal to \$1. The discount shall not apply to any motor vehicle, trailer, or semitrailer registered under the International Registration Plan.

2008, c. 866; 2020, cc. 1230, 1275; 2023, c. 538.

§ 46.2-214.4. Discount for online transactions

The Department may offer a \$1 discount for the following transactions if conducted using the Internet: (i) a driver's license renewal pursuant to § 46.2-330, (ii) a driver's license duplicate or reissue pursuant to § 46.2-343, (iii) an identification card renewal pursuant to § 46.2-345, (iv) an identification card duplicate or reissue pursuant to § 46.2-345, or (v) a certificate of title replacement pursuant to § 46.2-607.

2016, c. 368.

§ 46.2-215. Certification of certain records and admissibility in evidence

Whenever any record, including records maintained by electronic media, by photographic

processes, or paper, in the office of the Department is admissible in evidence, a copy, a machine-produced transcript, or a photograph of the record or paper attested by the Commissioner or his designee may be admitted as evidence in lieu of the original. In any case in which the records are transmitted by electronic means a machine imprint of the Commissioner's name purporting to authenticate the record shall be the equivalent of attestation or certification by the Commissioner.

Any copy, transcript, photograph, or any certification purporting to be sealed or sealed and signed by the Commissioner or his designee or imprinted with the Commissioner's name may be admitted as evidence without any proof of the seal or signature or of the official character of the person whose name is signed thereto. If an issue as to the authenticity of any information transmitted by electronic means is raised, the court shall require that a record attested by the Commissioner or his designee be submitted for admission into evidence.

1962, c. 368, § 46.1-34.1; 1966, c. 196; 1986, c. 607; 1988, c. 427; 1989, c. 727.

§ 46.2-216. Destruction of records

In accordance with the provisions of Chapter 7 (§ 42.1-76 et seq.) of Title 42.1, the Commissioner may establish standards for the disposal of any paper or record which need not be preserved as a permanent record. However, the Department shall not dispose of any vehicle information, as defined in § 46.2-208, for any manufactured home.

Code 1950, § 46-37; 1958, c. 541, § 46.1-36; 1960, c. 121; 1989, c. 727; 2022, c. 479.

§ 46.2-216.1. Electronic filings or submissions to Department; provision of electronic documents by Department

A. Whenever this title or Title 58.1 provides that applications, certificates, fees, letters of credit, notices, penalties, records, reports, surety bonds, tariffs, taxes, time schedules, or any other documents or payments be filed or submitted to the Department in written form or otherwise, the Commissioner may, after providing 12-months' written notification to impacted applicants, licensees, or any other person or entity, require that all or certain applicants, licensees, or any other person or entity engaged in business with the Department, make such filings or submissions electronically in a format prescribed by the Commissioner. Any such requirement shall not apply to an individual application for a credential issued under Chapter 3 (§ 46.2-300 et seq.), or the titling or registration of 12 or fewer vehicles during a period of one year. The Commissioner shall develop a method to ensure that the electronic filing is received and stored accurately and that it is readily available to satisfy the requirements of the statutes that call for a written document. Notwithstanding the provisions of this section, the Commissioner may accept, in lieu of paper documents, a filing or submission made by electronic means for any document not required to be filed or submitted electronically pursuant to the provisions of this title or Title 58.1.

B. Whenever this title or Title 58.1 provides that a written certificate or other document is to be delivered to an owner, registrant, licensee, lien holder, or any other person or entity by the Department or the Commissioner, the Commissioner may provide the written certificate or other document by electronic means. The electronic document may consist of all of the information included in the paper certificate or document or it may be an abstract or listing of the information held in electronic form by the Department. Whenever a certificate or other document is provided by electronic means, the Department will not be required to produce a written certificate or document until requested to do so by the owner, registrant, licensee, lien

holder, or other party.

C. The Commissioner is authorized to establish, where feasible and cost efficient, contracts with public-private partnerships with commercial operations to provide for simplification and streamlining of services to citizens through electronic means. Such electronic services shall include (i) an electronic lien and titling program, (ii) an online dealer program, and (iii) a print-on-demand license plate program.

1. Notwithstanding the provisions of subsection A of § 46.2-208, to conduct customer-initiated transactions through electronic means the Commissioner may provide a customer's personal, driver, or vehicle information relating to the operation or theft of a motor vehicle or to public safety to the following entities: (i) lending institutions; (ii) motor vehicle dealers; or (iii) third-party vendors that enter into contracts with the Department. Pursuant to subsection A, the Commissioner may require such entities engaged in business with the Department to submit electronic filings using the third-party vendors that have contracts with the Department. Customer information obtained by such entities conducting customer-initiated transactions, including third-party vendors that enter into contracts with the Department, is subject to the restrictions upon use and dissemination imposed by (a) the federal Drivers Privacy Protection Act at 18 U.S.C. § 2721 et seq., (b) the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) and §§ 46.2-208 and 58.1-3, and (c) any rules, regulations, or guidelines adopted by the Department with regard to disclosure or dissemination of any information obtained from the Department.

2. The Department may impose a reasonable fee in accordance with fair market prices on such entities, including third-party vendors that enter into contracts with the Department, for customer-initiated transactions conducted through electronic means. Such fees shall be used to defray the costs of the transaction to the Department. Any transaction fees imposed and collected by the Department shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

1991, c. 115; 2009, c. 419; 2018, c. 361; 2021, Sp. Sess. I, cc. 421, 544.

§ 46.2-216.2. Repealed

Repealed by Acts 2009, c. 419, cl. 3.

§ 46.2-216.3. Repealed

Repealed by Acts 2003, c. 1042, cl. 12, effective May 1, 2003.

§ 46.2-216.4. Department to provide self-service options to customers

The Department may provide, at its offices, self-service options that will provide customers with access to the Department's Internet transactions for persons who would prefer to transact their business with the Department accordingly. In determining the form and number of such options, and whether any option will be made available at a location, the Department shall consider the volume of business and the cost effectiveness of implementing any such option at the location.

2003, c. 320.

§ 46.2-216.5. Partnership of Department and The Library of Virginia to promote use of public library Internet access terminals to complete on-line transactions with the Department

The Department shall enter into a partnership with The Library of Virginia to promote the use of

public library Internet access terminals to complete on-line transactions with the Department.
2003, c. [336](#).

§ 46.2-217. Enforcement of laws by Commissioner; authority of officers

The Commissioner, his several assistants, including those who are full-time sworn members of the enforcement division of the Department of Motor Vehicles, and police officers appointed by him are vested with the powers of sheriffs for the purpose of enforcing the laws of the Commonwealth which the Commissioner is required to enforce. Such full-time sworn members of the enforcement division of the Department of Motor Vehicles are hereby authorized to enforce the criminal laws of the Commonwealth.

The Commissioner may also appoint or designate any of his staff to be "size and weight compliance agents" who shall thereby have the authority to (i) enforce the requirements for the use of dyed diesel fuel in §§ [58.1-2265](#) and [58.1-2267](#); (ii) enforce the requirements of Article 17 (§ [46.2-1122](#) et seq.) of Chapter 10; (iii) issue citations for violations of license, registration, and tax requirements and vehicle size limits pursuant to § [46.2-613.1](#); and (iv) carry out the vehicle seizure provisions of §§ [46.2-613.4](#), [46.2-613.5](#), [46.2-703](#), [46.2-1134](#), and [46.2-1136](#) at any permanent weighing station. For the purposes of this section, a permanent weighing station shall include any location equipped with fixed, permanent scales for weighing motor vehicles.

Nothing in this title shall relieve any law-enforcement officer, commissioner of the revenue, or any other official invested with police powers and duties, state or local, of the duty of assisting in the enforcement of such laws within the scope of his respective authority and duty.

All law-enforcement officers appointed by the Commissioner may administer oaths and take acknowledgments and affidavits incidental to the administration and enforcement of this title and all other laws relating to the operation of motor vehicles, applications for driver's licenses, and the collection and refunding of taxes levied on gasoline. They shall receive no compensation for administering oaths or taking acknowledgments.

Code 1950, § 46-38; 1958, c. 541, § 46.1-37; 1984, c. 780; 1989, c. 727; 1993, c. 533; 2008, c. [460](#); 2011, cc. [62](#), [73](#); 2012, cc. [22](#), [111](#).

§ 46.2-218. Fees not allowed law-enforcement officers

No court in the Commonwealth shall, in any case in which a fine is assessed for the violation of any law of the Commonwealth or any subdivision thereof, assess as a part of the cost of the case any fee for arrest, or as a witness, for the benefit of any law-enforcement officer of the Department; nor shall any Department law-enforcement officer receive any such fee. Any Department law-enforcement officer who accepts or receives any such fee shall be guilty of a Class 4 misdemeanor and, in addition, the Commissioner may remove him therefor. Department law-enforcement officers are not prohibited, however, from accepting or receiving rewards.

Code 1950, § 46-39; 1958, c. 541, § 46.1-38; 1980, c. 29; 1989, c. 727.

§ 46.2-219. Bonds of Commissioner, Deputy Commissioners, assistants, administrators, and law-enforcement officers; liability insurance policies

The Commissioner, the Deputy Commissioners, the assistant commissioners, the administrators, and law-enforcement officers appointed by the Commissioner and engaged in the enforcement of criminal laws and the laws relating to the operation of motor vehicles on the highways in the Commonwealth shall, before entering on or continuing in their duties, enter into bond with some

solvent guaranty, indemnity, fidelity, or casualty company authorized to do business in the Commonwealth as surety, in the penalty of \$100,000 and with condition for the faithful and lawful performance of their duties. These bonds shall be filed in the office of the Department and the premiums thereon shall be paid out of the fund appropriated for the enforcement of the laws concerning motor vehicles. All persons injured or damaged in any manner by the unlawful, negligent, or improper conduct of any such officer while on duty may maintain an action on the bond.

In lieu of posting bond as provided in this section, any assistant or law-enforcement officer may furnish an adequate liability insurance policy as proof of his ability to respond in damages which may be adjudged against him in favor of any person or persons injured or damaged in any manner resulting from his unlawful, negligent, or improper conduct while on official duty, to the amount of \$100,000. The premiums on any such insurance policy or policies shall be paid out of the funds appropriated for the enforcement of the laws concerning motor vehicles.

All such bonds and insurance policies shall be approved by the Commissioner.

Code 1950, § 46-40; 1950, p. 221; 1958, c. 541, § 46.1-39; 1976, c. 78; 1989, c. 727.

§ 46.2-220. Special counsel for defense of law-enforcement officers

If any law-enforcement officer appointed by the Commissioner is arrested, indicted, or prosecuted on any charge arising out of any act committed in the discharge of his official duties, the Commissioner may employ special counsel approved by the Attorney General to defend him. The compensation for special counsel employed pursuant to this section shall, subject to approval of the Attorney General, be paid out of the funds appropriated for the administration of the Department.

Code 1950, § 46-41; 1958, c. 541, § 46.1-40; 1989, c. 727.

§ 46.2-221. Certain state agencies to report to Department concerning the blind and nearly blind; use of such information by Department; Department to report names of persons refused licenses for defective vision; reports to law-enforcement agencies concerning certain blind or vision impaired individuals who operate motor vehicles

Every state agency having knowledge of the blind or vision impaired, maintaining any register of the blind or vision impaired, or administering either tax deductions or exemptions for or aid to the blind or vision impaired shall report in January of each year to the Department the names of all persons so known, registered or benefiting from such deductions or exemptions, for aid to the blind or vision impaired. This information shall be used by the Department only for the purpose of determining qualifications of these persons for licensure under Chapter 3 (§ 46.2-300 et seq.). If any such state agency has knowledge that any person so reported continues to operate a motor vehicle, such agency may provide this information to appropriate law-enforcement agencies as otherwise permitted by law.

The Department shall report to the Virginia Department for the Blind and Vision Impaired and the Department for Aging and Rehabilitative Services at least annually the name and address of every person who has been refused a driver's license solely or partly because of failure to pass the Department's visual examination.

If any employee of the Virginia Department for the Blind and Vision Impaired makes a report to the Department of Motor Vehicles or provides information to an appropriate law-enforcement

agency as required or permitted by this section concerning any client of the agency, it shall not be deemed to have been made in violation of the client-agency relationship.

1968, c. 98, §§ 46.1-40.1, 46.1-40.1:1; 1977, c. 340; 1984, c. 780; 1988, c. 798; 1989, c. 727; 2003, c. 301; 2012, cc. 803, 835; 2023, cc. 148, 149.

§ 46.2-221.1. Registration with Selective Service required for issuance of learner's permits, driver's licenses, commercial driver's licenses, and special identification cards to certain applicants

A. Every male applicant for a learner's permit, driver's license, commercial driver's license, special identification card, or renewal of any such permit, license, or card who is less than twenty-six years old and is either a citizen of the United States or an immigrant shall, at the time of his application, be registered in compliance with the requirement of section 3 of the Military Selective Service Act, 50 U.S.C. § 3801 et seq. The application for a learner's permit, driver's license, commercial driver's license, special identification card, or renewal of any such permit, license, or card submitted by any such person shall indicate either (i) that he is already registered with the Selective Service or (ii) that he authorizes the Department to forward to the Selective Service System the personal information necessary for such registration. This personal information shall be forwarded by the Department to the Selective Service System in an electronic format. The Department shall include on its application forms notice to affected persons that their submission of the application grants their consent to be registered with the Selective Service System, if required to so register by federal law.

Data received by the Selective Service System under this subsection that pertains to any persons less than eighteen years old shall not be used to register that person with the Selective Service until that person is eighteen years old.

B. If the applicant for a learner's permit, driver's license, commercial driver's license, special identification card, or renewal of any such permit, license, or card is a male less than eighteen years old, his application shall be signed by his parent or by the guardian having custody of him. If he has no parent or guardian, then no learner's permit, driver's license, commercial driver's license, or special identification card shall be issued to him or renewed by the Department 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 and sign the application himself. By signing the application as required in this subsection, the parent, guardian, or judge, or emancipated minor shall be deemed to authorize the Department to register the applicant with the Selective Service System as provided in subsection A.

C. If any male applicant for a learner's permit, driver's license, commercial driver's license, special identification card, or renewal of any such permit, license, or card who is required by subsection A to be registered with the Selective Service System declines, refuses, or fails to do so, his application shall be denied.

2002, c. 118.

§ 46.2-221.2. Extension of expiration of driver's licenses issued to certain persons in service to the United States government or for good cause shown

A. Notwithstanding § 46.2-330, any driver's license that is issued by the Department under

Chapter 3 (§ 46.2-300 et seq.) to (i) a person serving outside the Commonwealth in the armed services of the United States, (ii) a person serving outside the Commonwealth as a member of the diplomatic service of the United States appointed under the Foreign Service Act of 1946, (iii) a civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government, or (iv) a spouse or dependent accompanying any such member of the armed services or diplomatic service serving outside the Commonwealth or civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government shall be held not to have expired during the period of the licensee's service outside the Commonwealth in the armed services of the United States or as a member of the diplomatic service of the United States appointed under the Foreign Service Act of 1946 or as a civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government and 180 days thereafter. However, no extension granted under this section shall exceed six years from the date of expiration shown on the individual's driver's license.

For the purposes of this subsection, "service in the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

B. Notwithstanding § 46.2-330, the Commissioner may, for good cause shown, extend the validity period of a driver's license issued by the Department pursuant to Chapter 3 (§ 46.2-300 et seq.), provided that the license holder requesting the extension (i) contacts the Department prior to expiration of his license, (ii) is temporarily absent from the Commonwealth at the time his driver's license is due for renewal, (iii) provides the Commissioner with verifiable evidence documenting the need for an extension, (iv) provides the Commissioner with the earliest date of return, and (v) is not eligible to renew his license online. No extension granted under this subsection shall exceed two years from the date of expiration shown on the individual's driver's license.

C. The Department shall furnish to any person whose driver's license is extended under this section documentary or other proof that he is entitled to the benefits of this section when operating any motor vehicle.

2004, c. 975; 2006, c. 85; 2007, cc. 249, 589; 2008, c. 591; 2012, c. 384; 2017, c. 547; 2022, c. 39.

§ 46.2-221.3. Grace period for business credentialing for armed forces personnel returning from duty outside the United States

Owners or operators of businesses and other persons licensed or credentialed in the Commonwealth by the Department who have served outside of the United States in the armed services of the United States shall have a 60-day grace period, beginning on the date they are no longer serving outside the United States, during which they may reopen the business or again perform credentialed activities prior to complying with the business license, certificate, permit, or other such business and professional credential requirements of this title.

To be eligible for the grace period, persons qualifying under this section shall:

1. Have held a valid license, permit, certificate, or other such business or professional credential issued by the Department at the time the person began service in the armed forces outside of the United States; and

2. Not operate the business or perform credentialed activities during the period of the person's military service.

Prior to reopening the business or again performing credentialed activities during the 60-day grace period, persons qualifying under this section shall notify the Department of their intentions and verify that they are in compliance with all other requirements established by the Department and set forth in this title relating to their business or profession. Such persons shall have in their possession, while operating the business or performing credentialed activities, (i) orders or other military documentation demonstrating that they are entitled to the benefits of this section, and (ii) the latest license, certificate, permit, or other such business or professional credential issued to them by the Department.

For the purposes of this section "service in the armed services" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

2004, c. [975](#).

§ 46.2-221.4. Grace period for replacement of license plates or decals and registrations for certain persons in service to the United States government

Owners or lessees of vehicles registered in the Commonwealth who (i) have served outside of the United States in the armed services of the United States, (ii) have served outside the United States as a member of the diplomatic service of the United States appointed under the Foreign Service Act of 1946, (iii) have been a civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government, or (iv) are a spouse or dependent accompanying any such member of the armed services or diplomatic service serving outside the United States or civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government shall have a 90-day grace period, beginning on the date that such person is no longer serving outside the United States, in which to comply with the vehicle registration requirements of this title.

To be eligible for the grace period, the vehicle shall:

1. Be owned or leased by a person or persons qualifying under this section;
2. Have had valid registration issued by the Department at the time the member of the armed services of the United States, member of the diplomatic service, civilian employee of the United States government, or any agency or contractor thereof began service outside of the United States;
3. Comply with the financial responsibility requirements of this title;
4. Display the latest license plates and decals issued by the Department for the vehicle; and
5. Be operated only by persons qualifying under this section while possessing:
 - a. Orders or other military documentation demonstrating that they are entitled to the benefits of this section; and
 - b. The latest registration card issued by the Department for the vehicle.

Nothing in this section shall be construed to prohibit any person or persons who own or lease

vehicles registered in the Commonwealth and are currently serving outside of the United States in the armed services of the United States from complying, when possible and as necessary, with the vehicle registration requirements of this title during the period of service outside the United States or while on leave in Virginia.

For the purposes of this section "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

The provisions of this section shall not apply to special license plates issued to members of the National Guard under § 46.2-744.

2004, c. 975; 2008, c. 591; 2012, c. 385.

§ 46.2-221.5. Information on veterans services provided

A. If any person indicates that he is a veteran on any form or application submitted to the Department for the purpose of a driver or vehicle transaction, the Department shall offer such person information on veterans services that are available in the Commonwealth. Such information may be electronic, provided that printed materials are made available upon request.

B. The Department of Veterans Services shall furnish the Department with all materials required to be offered pursuant to this section. Distribution of materials shall be in a manner prescribed by the Commissioner in consultation with the Department of Veterans Services.

C. Nothing in this section shall require the Department to verify a person's veteran status.

2020, c. 698.

Article 2. Powers and Duties of Department Related to Transportation Safety

§ 46.2-222. General powers of Commissioner with respect to transportation safety

The Commissioner shall have the following general powers to carry out the purposes of this article:

1. To employ required personnel.
2. To enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this article, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth.
3. To accept grants from the United States government and its agencies and instrumentalities and any other source. To these ends, the Department shall have the power to comply with conditions and execute agreements necessary, convenient or desirable.
4. To do all acts necessary or convenient to carry out the purposes of this article.

1984, c. 778, § 46.1-40.3; 1989, c. 727.

§ 46.2-223. Additional powers and duties of Commissioner

The Commissioner shall have the following powers and duties related to transportation safety:

1. To evaluate safety measures currently in use by all transport operators in all modes which

operate in or through the Commonwealth, with particular attention to the safety of equipment and appliances and methods and procedures of operation;

2. To engage in training and educational activities aimed at enhancing the safe transport of passengers and property in and through the Commonwealth;
3. To cooperate with all relevant entities of the federal government, including, but not limited to, the Department of Transportation, the Federal Railway Administration, the Federal Aviation Administration, the Coast Guard, and the Independent Transportation Safety Board in matters concerning transportation safety;
4. To initiate, conduct, and issue special studies on matters pertaining to transportation safety;
5. To evaluate transportation safety efforts, practices, and procedures of the agencies or other entities of the government of the Commonwealth and make recommendations to the Secretary of Transportation, the Governor, and the General Assembly on ways to increase transportation safety consciousness or improve safety practices;
6. To assist entities of state government and political subdivisions of the Commonwealth in enhancing their efforts to ensure safe transportation, including the dissemination of relevant materials and the rendering of technical or other advice;
7. To collect, tabulate, correlate, analyze, evaluate, and review the data gathered by various entities of the state government in regard to transportation operations, management, and accidents, especially the information gathered by the Department of Motor Vehicles, the Department of State Police, and the State Corporation Commission;
8. To develop, implement, and review, in conjunction with relevant state and federal entities, a comprehensive highway safety program for the Commonwealth, and to inform the public about it;
9. To assist towns, counties and other political subdivisions of the Commonwealth in the development, implementation, and review of local highway safety programs as part of the state program;
10. To review the activities, role, and contribution of various state entities to the Commonwealth's highway safety program and to report annually and in writing to the Governor and General Assembly on the status, progress, and prospects of highway safety in the Commonwealth;
11. To recommend to the Secretary of Transportation, the Governor, and the General Assembly any corrective measures, policies, procedures, plans, and programs which are needed to make the movement of passengers and property on the highways of the Commonwealth as safe as practicable;
12. To design, implement, administer, and review special programs or projects needed to promote highway safety in the Commonwealth;
13. To integrate highway safety activities into the framework of transportation safety in general;
14. To administer the Traffic Safety Fund established pursuant to § [46.2-749.2:10](#) and to accept grants, gifts, bequests, and other moneys contributed to, deposited in, or designated for deposit in the Fund; and

15. Notwithstanding any other provision of this title, for the duration of a declared state of emergency as defined in § 44-146.16 and for up to 90 days after the declaration of a state of emergency has been rescinded or expires, (i) to extend the validity or delay the cancellation of driver's licenses, special identification cards, and vehicle registrations; (ii) to extend the time frame during which a driver improvement clinic or payment plan may be completed; (iii) to extend the maximum number of days of residency permitted before a new resident must be licensed in Virginia pursuant to § 46.2-308 to operate a motor vehicle in the Commonwealth; and (iv) to extend the time frame during which a new resident may operate a motor vehicle in the Commonwealth that has been duly registered in another jurisdiction before registering the vehicle in the Commonwealth.

1984, c. 778, § 46.1-40.4; 1989, c. 727; 1990, cc. 1, 317; 1998, c. 743; 2021, Sp. Sess. I, c. 129.

§ 46.2-223.1. Collection and reporting of data related to driving under the influence of alcohol, drugs, or a combination thereof

A. The Department shall collect data related to driving under the influence of alcohol, drugs, or a combination thereof, on an annual basis based on the calendar year. The Department may request data and shall be provided such data upon request from (i) every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, or any political subdivision thereof; (ii) any criminal justice agency as defined in § 9.1-101; and (iii) the clerk of each circuit court. If the statewide Circuit Court Case Management System is used by the circuit court clerk, the Executive Secretary of the Supreme Court shall provide for the transfer of such data upon request of the Department.

B. The Department shall annually collect the following data based on the calendar year:

1. The number of motor vehicle and commercial motor vehicle crashes, injuries, serious injuries, and fatalities that involved alcohol, drugs, or a combination of alcohol and drugs, as maintained by the Department;
2. The number of drivers, passengers, bicyclists, and pedestrians killed in motor vehicle and commercial motor vehicle crashes, including the blood alcohol content and any drugs identified in the blood of each decedent driver, as maintained by the Office of the Chief Medical Examiner;
3. The number of full-time, sworn officer positions allotted to each law-enforcement agency and the number of full-time, sworn officers employed by each law-enforcement agency, as maintained by the Department of State Police;
4. The number of arrests for violations of §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-268.3, 18.2-270.1, 18.2-272, 46.2-341.24, 46.2-341.26:3, 46.2-341.29, and 46.2-341.31, as maintained by the Department of State Police;
5. The number of charges and convictions for violations of §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-268.3, 18.2-270.1, 18.2-272, 46.2-341.24, 46.2-341.26:3, 46.2-341.29, and 46.2-341.31 across all district and circuit courts, as maintained by the Executive Secretary of the Supreme Court of Virginia or any circuit court clerk who maintains an independent case management system;
6. The number of adults sentenced to a term of incarceration for violations of §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-268.3, 18.2-270.1, 18.2-272, 46.2-341.24, 46.2-341.26:3, 46.2-

341.29, and 46.2-341.31, including the active period of incarceration imposed and the length of time that the person was incarcerated, as maintained by the Compensation Board and the Department of Corrections;

7. The number of individuals ordered to report to the Virginia Alcohol Safety Action Program and the number of individuals under the supervision of such program, as maintained by the Virginia Alcohol Safety Action Program;

8. The number of ignition interlock devices installed on motor vehicles and the number of remote alcohol monitoring devices applied to individuals, as maintained by the Virginia Alcohol Safety Action Program;

9. The number of breath alcohol tests administered and the average blood alcohol concentration test results, as maintained by the Department of Forensic Science;

10. The number of driving under the influence-related blood sample submissions and any drugs or drug classes identified in such samples, as maintained by the Department of Forensic Science;

11. The total number of restrictions, suspensions, and revocations of Virginia driver's licenses and commercial driver's licenses for driving under the influence, as maintained by the Department;

12. The number of specific driving under the influence-related enforcement measures conducted by law-enforcement agencies, such as sobriety checkpoints, saturation patrols, and any other relevant measures, as maintained by the Department;

13. The total amount of grant money awarded to Virginia, each law-enforcement agency, and any other entity that is not a law-enforcement agency by the National Highway Traffic Safety Administration, as maintained by the Department; and

14. Any other data deemed relevant and reliable by the Department.

C. The Department shall submit an annual report based on the data collected pursuant to subsection B on or before October 1 to the General Assembly, the Governor, and the Virginia State Crime Commission. The report shall also be made available to the public on the website of the Department. The data set forth in subsection B shall be reported at aggregate statewide level based on the calendar year over a period of at least five years and, to the extent possible, shall also be reported at an aggregate level by locality and by law-enforcement agency over the same time period. Additionally, to the extent possible, the data shall distinguish between alcohol, drug, or alcohol and drug impaired driving. Such report may also include recommendations to improve the enforcement of driving under the influence laws or the collection of relevant data.

D. Nothing in this section shall require any (i) department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, or any political subdivision thereof; (ii) criminal justice agency as defined in § 9.1-101; or (iii) clerk of circuit court to provide data to the Department if the requested data is not regularly maintained by such entity or if such data is prohibited from such disclosure under any other law or under the Virginia Rules of Professional Conduct.

2023, cc. 660, 661.

§ 46.2-224. Repealed

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 105.

Article 3. Electronic Credentials Act

§ 46.2-225. Definitions

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

"Data field" means a piece of information that appears on a physical credential, electronic credential, or profile.

"Display requirement" means a provision within the Code of Virginia, the Virginia Administrative Code, or a local ordinance or regulation that requires the display or possession of a physical credential to do an act, identify a person or piece of personal property, or show entitlement to a right or privilege.

"Electronic credential" means an electronic method by which a person may display or transmit to another person information that verifies a person's identity, identifies personal property, or serves as evidence of the right of a person to do, or to use personal property to do, an act.

"Electronic credential system" means a computer system accessed by a person using a computer, cellular telephone, or other electronic device and used to display or transmit electronic credentials to other persons or to a verification system.

"Physical credential" means a document issued by an agency of the Commonwealth, another state of the United States, the District of Columbia, the United States, a foreign country, or a political subdivision of a foreign country that is issued in a physical format, such as paper or plastic, and that identifies the holder, identifies a piece of personal property, or grants the holder the permission to do, or to use property to do, an act.

"Profile" means an electronic credential created by the Department that displays a different set of data fields than are displayed on the physical credential.

"Third-party electronic credential system" means an electronic credential system that is not maintained by the Department or by an agent of the Department on its behalf. "Third-party electronic credential system" may include an electronic wallet.

"Verification system" means a computer system operated by the Department or its agent on its behalf that is made available to persons who are presented with electronic credentials for the purpose of verifying the authenticity and validity of electronic credentials issued by the Department or by other government agencies or jurisdictions.

2017, c. [697](#).

§ 46.2-226. Electronic credentials

A. The Department may issue electronic credentials to persons who hold a valid physical credential that the Department is authorized to issue.

B. If the Department issues electronic credentials, the credentials shall be issued in addition to, and not instead of, the underlying physical credentials for which a person is eligible. No electronic credential shall be issued unless the applicant holds the corresponding physical credential. Such electronic credentials shall be issued to an electronic credential system.

C. The Department may issue electronic credentials to third-party electronic credential systems

if the Department first enters into an agreement with the owner of the third-party electronic credential system that sets forth the terms on which the electronic credentials may be displayed.

D. The Department may enter into agreements with an agency of the Commonwealth, another state of the United States, or the United States to grant access to the use of electronic credentials issued by such agency. The provisions of subsection B shall apply to credentials to which the Department grants such access unless, as part of the agreement permitting the Department to grant access, the other agency agrees that the Department may grant access to electronic credentials to persons not holding a corresponding physical credential.

2017, c. 697.

§ 46.2-227. Fees

A. The Department shall assess a fee of up to \$10 per year for each individual who is issued electronic credentials by the Department or is granted access to an electronic credential issued in accordance with an agreement pursuant to the provisions of subsection C of § 46.2-226.

B. The Department shall assess a fee pursuant to § 46.2-214 for searches of the verification system.

C. Pursuant to § 46.2-214, the fees received by the Department pursuant to this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

2017, c. 697; 2022, c. 183.

§ 46.2-228. Design of electronic credentials

A. The Department and other agencies that enter into an agreement with the Department pursuant to subsection C of § 46.2-226 may create and issue profiles to be used in those circumstances where the display of the data fields would satisfy the purpose for which the profile is being presented.

B. Electronic credentials and electronic credential systems shall be designed so that there is no need for the credential holder to relinquish possession of the device in which the electronic credential system is installed in order to present the credential or for the person to whom the credential is presented to search the verification system to confirm the validity of the credential.

C. Electronic credential and verification systems shall be designed to protect the credential holder's privacy, including by use of privacy-enhancing technologies or other appropriate methods. If the Department enters into an agreement with the owner of a third-party electronic credential system, the agreement shall require the owner of that system to take appropriate measures to protect the credential holder's privacy.

2017, c. 697.

§ 46.2-229. Verification system

A. The Department or its agent may create and operate a verification system.

B. The Department may enter into agreements with other government agencies or jurisdictions issuing electronic credentials to allow for the verification of those credentials through the verification system and may also enter into agreements with other government agencies or jurisdictions or their agents operating a similar verification system for the purpose of verifying

Virginia electronic credentials used in other states.

C. The Department or its agent may enter into an agreement with a person to access and search the verification system. Any such agreement shall require, at a minimum, that the person to whom the Department is granting access agree to search the system only in compliance with the requirements of this section and to take appropriate measures to protect the credential holder's privacy.

D. A person who has entered into an agreement with the Department to access and search the verification system, and who has been presented with an electronic credential or profile, may search the verification system to verify the validity and accuracy of the electronic credential or profile that has been presented if the electronic credential holder consents to the search.

E. Following a search of the verification system made by a person with whom it has entered into an agreement pursuant to subsection C, the Department may release through the verification system a verification of those data fields that the electronic credential holder has consented to be verified.

2017, c. 697.

§ 46.2-230. Acceptance of electronic credentials

A. The possession or display of an electronic credential shall not relieve a person from the requirements of any provision in the Code of Virginia, the Virginia Administrative Code, or a local ordinance or regulation requiring the possession or display of a physical credential.

B. Any provision of the Code of Virginia, the Virginia Administrative Code, or a local ordinance or regulation with a display requirement, which may be satisfied by the display or possession of a physical credential for which the Department may issue an electronic credential, may be satisfied by displaying or possessing an electronic credential issued pursuant to this article. Acceptance of an electronic credential shall be at the discretion of the person to whom it is presented and subject to the conditions of this section.

C. If a person displays a profile, its display shall satisfy a display requirement if the profile provides sufficient data fields to satisfy the purpose for which it is being displayed.

D. If the Department, or another agency responsible for enforcing a display requirement, requires that an electronic credential or profile be verified through the verification system prior to acceptance in certain circumstances, the display requirement shall be deemed satisfied by presentation of an electronic credential or profile in those circumstances only if the electronic credential or profile is verified by the verification system.

E. The provisions of this section shall apply to the possession or display of similar electronic credentials or profiles issued by the government of another state of the United States, the District of Columbia, the United States, a foreign country, or a political subdivision of a foreign country to the extent that a physical credential from the same jurisdiction would satisfy the relevant display requirement.

2017, c. 697.