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HOUSE BILL NO. 2116

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend and reenact §§ 46.2-335, 46.2-342, and 46.2-600.1 of the Code of Virginia, relating to driver's licenses, identification cards, and learner's permits; indication of non-apparent disability; indication of a disability that can impair communication.

Patrons—Keys-Gamarra, Anthony, Clark, Cole, Glass, Henson, Jones, LeVere Bolling, Martinez, Price, Rasoul and Seibold

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-335, 46.2-342, and 46.2-600.1 of the Code of Virginia are amended and reenacted as follows:

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

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

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

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

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

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

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

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification

58 card number of the person making the certification.

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

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

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

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

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

78 H. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit
79 issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of
80 the state treasury; fees for issuance of motorcycle learner's permits, other than permits issued under §
81 46.2-328.3, shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program
82 Fund created pursuant to § 46.2-1191. It is unlawful for any person, after having received a learner's permit,
83 to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing
84 provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied
85 by documentation verifying that the driver is at least 16 years and three months old and has successfully
86 completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or
87 other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving
88 unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have
89 been met. Such temporary driver's license shall only be valid until the driver has received his permanent
90 license pursuant to § 46.2-336.

91 I. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person
92 to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§
93 46.2-341.1 et seq.).

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

- 96 1. The operator shall wear an approved safety helmet as provided in § 46.2-910.
- 97 2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is
98 21 years of age or older.
- 99 3. No person other than the operator shall occupy the motorcycle.

100 K. Any violation of this section, *except subsection L*, is punishable as a Class 2 misdemeanor.

101 *L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's*
102 *guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's*
103 *condition, the Department shall indicate on the applicant's learner's permit that the applicant has any*
104 *condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.*

105 **§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.**

106 A. Every license issued under this chapter shall bear:

- 107 1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned by the
108 Department to the licensee and shall not be the same as the licensee's social security number;
 - 109 2. A photograph of the licensee;
 - 110 3. The licensee's full name, year, month, and date of birth;
 - 111 4. The licensee's address, subject to the provisions of subsection B;
 - 112 5. A brief description of the licensee for the purpose of identification;
 - 113 6. A space for the signature of the licensee; and
 - 114 7. Any other information deemed necessary by the Commissioner for the administration of this title.
- 115 No abbreviated names or nicknames shall be shown on any license.

116 B. At the option of the licensee, the address shown on the license may be either the post office box,
117 business, or residence address of the licensee, provided such address is located in Virginia. However,
118 regardless of which address is shown on the license, the licensee shall supply the Department with his

119 residence address, which shall be an address in Virginia. This residence address shall be maintained in the
 120 Department's records. Whenever the licensee's address shown either on his license or in the Department's
 121 records changes, he shall notify the Department of such change as required by § 46.2-324.

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

128 D. The license shall be made of a material and in a form to be determined by the Commissioner.

129 E. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from
 130 those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design
 131 elements of the document and descriptors within the photograph area to identify persons who are at least 15
 132 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person
 133 will become 21 years old.

134 F. The Department shall establish a method by which an applicant for a driver's license or an
 135 identification card may indicate his consent to make an anatomical gift for transplantation, therapy, research,
 136 and education pursuant to § 32.1-291.5, and shall cooperate with the Virginia Transplant Council to ensure
 137 that such method is designed to encourage organ, tissue, and eye donation with a minimum of effort on the
 138 part of the donor and the Department.

139 G. If an applicant indicates his consent to be a donor pursuant to subsection F, the Department may make
 140 a notation of this designation on his license or card and shall make a notation of this designation in his driver
 141 record. The notation shall remain on the individual's license or card until he revokes his consent to make an
 142 anatomical gift by requesting removal of the notation from his license or card or otherwise in accordance with
 143 § 32.1-291.6. Inclusion of a notation indicating consent to making an organ donation on an applicant's license
 144 or card pursuant to this subsection shall be sufficient legal authority for removal, following death, of the
 145 subject's organs or tissues without additional authority from the donor or his family or estate, in accordance
 146 with the provisions of § 32.1-291.8.

147 H. A minor may make a donor designation pursuant to subsection F without the consent of a parent or
 148 legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

149 I. The Department shall provide a method by which an applicant conducting a Department of Motor
 150 Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor
 151 Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall
 152 inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

153 J. The Department shall collect all moneys contributed pursuant to subsection I and transmit the moneys
 154 on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.

155 K. When requested by the applicant, and upon presentation of a signed statement by a licensed physician
 156 confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the
 157 applicant (i) is an insulin-dependent diabetic; (ii) is deaf or hard of hearing or speech impaired; (iii) has a
 158 traumatic brain injury; ~~or~~; (iv) has an intellectual disability, as defined in § 37.2-100, or autism spectrum
 159 disorder, as defined in § 38.2-3418.17; or (v) has a non-apparent disability. Any request for a traumatic brain
 160 injury indicator on an applicant's driver's license shall be accompanied by a form prescribed by the
 161 Commissioner and completed by a licensed physician. *For purposes of this subsection, "non-apparent*
 162 *disability" means a physical, sensory, mental, or emotional impairment that substantially limits one or more*
 163 *activities of daily living and that may not be visible or otherwise apparent, or a record of such impairment.*

164 L. In the absence of gross negligence or willful misconduct, the Department and its employees shall be
 165 immune from any civil or criminal liability in connection with the making of or failure to make a notation of
 166 donor designation on any license or card or in any person's driver record.

167 M. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor
 168 information brochure describing the organ donor program and providing instructions for completion of the
 169 uniform donor document information describing the bone marrow donation program and instructions for
 170 registration in the National Bone Marrow Registry. The Department shall include a copy of such brochure
 171 with every driver's license renewal notice or application mailed to licensed drivers in Virginia.

172 N. The Department shall establish a method by which an applicant for an original, reissued, or renewed
 173 driver's license may indicate his blood type. If the applicant chooses to indicate his blood type, the
 174 Department shall make a notation of this designation on his license and in his record. Such notation on the
 175 driver's license shall only be used by emergency medical services agencies in providing emergency medical
 176 support. Upon written request of the license holder or his legal guardian to have the designation removed, the
 177 Department shall issue the driver's license without such designation upon the payment of applicable fees.

178 Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant
 179 to this subsection except to the subject of the information and by designation on the driver's license. Nothing

180 herein shall require the Department to verify any information provided for the designation. No action taken
181 by any person, whether private citizen or public officer or employee, with regard to any blood type
182 designation displayed on a driver's license, shall create a warranty of the reliability or accuracy of the
183 document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any
184 department, office, or agency or of any officer, employee, or agent thereof.

185 **§ 46.2-600.1. Indication of special communication needs.**

186 A. As used in this section, "disability that can impair communication" means a condition with symptoms
187 that can impair the ability of a person with such condition to receive, send, process, or comprehend concepts
188 or verbal, nonverbal, or graphic symbol systems, including autism spectrum disorders as defined in §
189 38.2-3418.17 and hearing loss.

190 B. The Department shall include on the application for registration of a motor vehicle an option for the
191 vehicle owner to, if applicable, voluntarily indicate that he or a person who will regularly occupy his vehicle
192 has a disability that can impair communication. On any application on which the applicant indicates that a
193 person who will regularly occupy his vehicle has such a disability, the Department may require the applicant
194 to certify that he has the consent of the regular occupant of the vehicle to release information pursuant to
195 subsection D.

196 C. Any vehicle owner with a driver's license indicator authorized pursuant to subsection K of § 46.2-342;
197 special identification card indicator authorized pursuant to subsection L of § 46.2-345 or subsection H of §
198 46.2-345.2; ~~or~~ identification privilege card indicator authorized pursuant to subsection I of § 46.2-345.3; *or*
199 *learner's permit indicator authorized pursuant to subsection L of § 46.2-335* or whose vehicle is regularly
200 occupied by an individual with such an indicator shall be eligible for the registration indicator. A vehicle
201 owner with such an indicator on his credential and a vehicle owner whose vehicle is regularly occupied by an
202 individual with a driver's license indicator or special identification card indicator may apply to the
203 Department for a registration indicator in a manner prescribed by the Commissioner.

204 D. Notwithstanding the provisions of subsection A of § 46.2-208, the Department shall provide
205 information regarding vehicle registrants who have indicated, pursuant to subsection B or C, that they or
206 individuals who will regularly occupy their vehicles have a disability that can impair communication with
207 employees and agents of criminal justice agencies as defined in § 9.1-101. The Department shall confirm the
208 presence or absence of a registration indicator indicating that the registrant or a person regularly occupying
209 the vehicle of a registrant has a disability that can impair communication, but it shall not provide information
210 about the type of health condition or disability that the registrant or a person regularly occupying the vehicle
211 of a registrant has.

212 E. Any vehicle owner who has a registration indicator indicating that the registrant or a person regularly
213 occupying the vehicle of a registrant has a disability that can impair communication may have such indicator
214 removed by requesting such removal, in writing, to the Department.