

# 2026 SESSION

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INTRODUCED

HB993

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4 **HOUSE BILL NO. 993**  
5 Offered January 14, 2026  
6 Prefiled January 13, 2026  
7 *A BILL to amend and reenact §§ 22.1-205.1, 24.2-411.3, 24.2-643, 46.2-100, 46.2-332, 46.2-333.1, 46.2-335,  
8 46.2-345.3, and 58.1-3 of the Code of Virginia and to repeal § 46.2-328.3 of the Code of Virginia,  
9 relating to driver privilege cards and permits; discontinued.*

10 Patron—Garrett

11 Committee Referral Pending

12 **Be it enacted by the General Assembly of Virginia:**

13 **1. That §§ 22.1-205.1, 24.2-411.3, 24.2-643, 46.2-100, 46.2-332, 46.2-333.1, 46.2-335, 46.2-345.3, and  
24.2-345.3 of the Code of Virginia are amended and reenacted as follows:**

14 **§ 22.1-205.1. High school student parking passes; valid driver's license required.**

15 Each public high school shall require any student who applies to obtain a pass to park a vehicle on school  
16 property to provide evidence that the student possesses a valid driver's license or driver privilege card. The  
17 Department shall develop, and each public high school shall utilize, a standard application form for students  
18 to use to obtain a pass to park a vehicle on school property.

19 **§ 24.2-411.3. Registration of Department of Motor Vehicles customers.**

20 A. Each person coming into an office of the Department of Motor Vehicles or accessing its website in  
21 order to (i) apply for, replace, or renew a driver's license or other document issued under Chapter 3  
22 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3 or  
23 identification privilege cards issued pursuant to § 46.2-345.3; or (ii) change an address on an existing driver's  
24 license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege  
25 cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued pursuant to  
26 § 46.2-345.3 shall be presented with (a) a question asking whether or not the person is a United States citizen  
27 and (b) the option to decline to have his information transmitted to the Department of Elections for voter  
28 registration purposes. The citizenship question and option to decline shall be accompanied by a statement that  
29 intentionally making a materially false statement during the transaction constitutes election fraud and is  
30 punishable under Virginia law as a felony.

31 The Department of Motor Vehicles may not transmit the information of any person who so declines. The  
32 Department of Motor Vehicles may not transmit the information of any person who indicates that he is not a  
33 United States citizen, nor may such person be asked any additional questions relevant to voter registration but  
34 not relevant to the purpose for which the person came to an office of the Department of Motor Vehicles or  
35 accessed its website.

36 B. For each person who does not select the option to decline to have his information transmitted to the  
37 Department of Elections for voter registration purposes and who has identified himself as a United States  
38 citizen, the Department of Motor Vehicles shall request any information as may be required by the State  
39 Board to ensure that the person meets all voter registration eligibility requirements.

40 C. The Department of Motor Vehicles shall electronically transmit to the Department of Elections, in  
41 accordance with the standards set by the State Board, the information collected pursuant to subsection B for  
42 any person who (i) has indicated that he is a United States citizen, (ii) has indicated that he is 17 years of age  
43 or older, and (iii) at the time of such transaction did not decline to have his information transmitted to the  
44 Department of Elections for voter registration purposes.

45 D. The Department of Elections shall use the information transmitted to determine whether a person  
46 already has a registration record in the voter registration system.

47 1. For any person who does not yet have a registration record in the voter registration system, the  
48 Department of Elections shall transmit the information to the appropriate general registrar. The general  
49 registrar shall accept or reject the registration of such person in accordance with the provisions of this  
50 chapter.

51 2. For any person who already has a registration record in the voter registration system, if the information  
52 indicates that the voter has moved within the Commonwealth, the Department of Elections shall transmit the  
53 information and the registration record to the appropriate general registrar, who shall treat such transmittal as  
54 a request for transfer and process it in accordance with the provisions of this chapter.

55 3. General registrars shall not register any person who does not satisfy all voter eligibility requirements.

56 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

57 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of  
58 election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting

59 booth and furnishing an official ballot to him.

60 B. An officer of election shall ask the voter for his full name and current residence address and the voter  
61 may give such information orally or in writing. The officer of election shall verify with the voter his full  
62 name and address and shall repeat, in a voice audible to party and candidate representatives present, the full  
63 name provided by the voter. The officer shall ask the voter to present any one of the following forms of  
64 identification: (i) his voter confirmation documents; (ii) his valid Virginia driver's license, his valid United  
65 States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or  
66 the United States, other than a ~~driver privilege card issued under § 46.2-328.3 or~~ an identification privilege  
67 card issued under § 46.2-345.3; (iii) any valid student identification card issued by any institution of higher  
68 education located in the Commonwealth or any private school located in the Commonwealth; (iv) any valid  
69 student identification card containing a photograph of the voter and issued by any institution of higher  
70 education located in any other state or territory of the United States; (v) any valid employee identification  
71 card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the  
72 employer's business; or (vi) a copy of a current utility bill, bank statement, government check, paycheck, or  
73 other government document containing the name and address of the voter. The expiration date on a Virginia  
74 driver's license shall not be considered when determining the validity of the driver's license offered for  
75 purposes of this section.

76 Except as provided in subsection E, any voter who does not show one of the forms of identification  
77 specified in this subsection shall be allowed to vote after signing a statement, subject to felony penalties for  
78 false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A voter who  
79 requires assistance in voting by reason of a physical disability or an inability to read or write, and who  
80 requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance  
81 with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed  
82 when assisting a voter in completing this statement. A voter who does not show one of the forms of  
83 identification specified in this subsection and does not sign this statement shall be offered a provisional ballot  
84 under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional  
85 ballot envelope that requires no follow-up action by the registrar or electoral board other than matching  
86 submitted identification documents from the voter for the electoral board to make a determination on whether  
87 to count the ballot.

88 If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in  
89 a form identical to or substantially similar to the name on the presented form of identification and the name  
90 provided by the voter, if he is qualified to vote in the election, and if no objection is made, an officer shall  
91 enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count  
92 form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form;  
93 an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting  
94 booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot  
95 shall remain in the presence of the officers of election in the polling place until he has voted. If a line of  
96 voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths,  
97 the line shall not be permitted to extend outside of the room containing the voting booths and shall remain  
98 under observation by the officers of election.

99 A voter may be accompanied into the voting booth by his child age 15 or younger.

100 C. If the current residence address provided by the voter is different from the address shown on the  
101 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State  
102 Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making  
103 false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope  
104 provided for such forms for transmission to the general registrar who shall then transfer or cancel the  
105 registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

106 D. At the time the voter is asked his full name and current residence address, the officer of election shall  
107 ask any voter for whom the pollbook indicates that an identification number other than a social security  
108 number is recorded on the Virginia voter registration system if he presently has a social security number. If  
109 the voter is able to provide his social security number, he shall be furnished with a voter registration form  
110 prescribed by the State Board to update his registration information. Upon its completion, the form shall be  
111 placed by the officer of election in an envelope provided for such forms for transmission to the general  
112 registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's  
113 record on the voter registration system.

114 E. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52  
115 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a  
116 federal election in the state. At such election, such individual shall present (i) a current and valid photo  
117 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other  
118 government document that shows the name and address of the voter. Such individual who desires to vote in  
119 person but does not show one of the forms of identification specified in this subsection shall be offered a  
120 provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of this

121 section and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of  
 122 Elections shall provide instructions to the electoral boards for the handling and counting of such provisional  
 123 ballots pursuant to subsection B of § 24.2-653 and this section.

124 **§ 46.2-100. Definitions.**

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

126 "All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is  
 127 manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly  
 128 known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level  
 129 surfaces, nor does the term include any riding lawn mower.

130 "Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually  
 131 manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25  
 132 years prior to January 1 of each calendar year and is owned solely as a collector's item.

133 "Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually  
 134 manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25  
 135 years prior to January 1 of each calendar year and is owned solely as a collector's item.

136 "Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not  
 137 require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements  
 138 for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

139 "Automobile transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or  
 140 combinations that transport motor vehicles on their power unit, designed and used exclusively for the  
 141 transportation of motor vehicles or used to transport cargo or general freight on a backhaul pursuant to the  
 142 provisions of 49 U.S.C. § 31111(a)(1).

143 "Bicycle" means a device propelled solely by human power, upon which a person may ride either on or  
 144 astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles,  
 145 except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a  
 146 bicycle shall be a vehicle while operated on the highway.

147 "Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the  
 148 preferential use of bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds.

149 "Business district" means the territory contiguous to a highway where 75 percent or more of the property  
 150 contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway,  
 151 is occupied by land and buildings actually in use for business purposes.

152 "Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or  
 153 may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

154 "Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or  
 155 terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and  
 156 reapplication may be made at any time after cancellation.

157 "Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every  
 158 person who drives a motor vehicle while in use as a public or common carrier of persons or property.

159 "Circular intersection" means an intersection that has an island, generally circular in design, located in the  
 160 center of the intersection, where all vehicles pass to the right of the island. Circular intersections include  
 161 roundabouts, rotaries, and traffic circles.

162 "Commission" means the State Corporation Commission.

163 "Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

164 "Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that has been  
 165 modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion  
 166 system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A  
 167 converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it  
 168 has been materially altered from its original construction by the removal, addition, or substitution of new or  
 169 used essential parts other than those required for the conversion to electric propulsion.

170 "Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral  
 171 lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs,  
 172 from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere  
 173 distinctly indicated for pedestrian crossing by lines or other markings on the surface.

174 "Decal" means a device to be attached to a license plate that validates the license plate for a predetermined  
 175 registration period.

176 "Department" means the Department of Motor Vehicles of the Commonwealth.

177 "Disabled parking license plate" means a license plate that displays the international symbol of access in  
 178 the same size as the numbers and letters on the plate and in a color that contrasts with the background.

179 "Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is  
 180 blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans Affairs. A  
 181 veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent:  
 182 central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more

183 than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the  
184 widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye.

185 "Driver's license" means any license, including a commercial driver's license as defined in the Virginia  
186 Commercial Driver's License Act (§ 46.2-341.1 et seq.) and a ~~driver privilege card issued pursuant to~~  
187 ~~§ 46.2-328.3~~, issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

188 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that  
189 is designed to transport only one person and powered by an electric propulsion system that limits the device's  
190 maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et seq.), an electric  
191 personal assistive mobility device shall be a vehicle when operated on a highway.

192 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact  
193 with the ground and is equipped with (i) pedals that allow propulsion by human power, (ii) a seat for the use  
194 of the rider, and (iii) an electric motor with an input of no more than 750 watts. Electric power-assisted  
195 bicycles shall be classified as follows:

196 1. "Class one" means an electric power-assisted bicycle equipped with a motor that provides assistance  
197 only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20  
198 miles per hour;

199 2. "Class two" means an electric power-assisted bicycle equipped with a motor that may be used  
200 exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the speed of  
201 20 miles per hour; and

202 3. "Class three" means an electric power-assisted bicycle equipped with a motor that provides assistance  
203 only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28  
204 miles per hour.

205 For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a vehicle  
206 when operated on a highway.

207 "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which  
208 will tend to conceal the identity of a vehicle.

209 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural  
210 implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and  
211 implements, including self-propelled mowers designed and used for mowing lawns.

212 "Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is  
213 used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench  
214 seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle"  
215 does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

216 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all  
217 administrative regulations and policies adopted pursuant thereto.

218 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising  
219 out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in  
220 § 46.2-472.

221 "Financial responsibility in the future" means the future ability to respond to damages for liability  
222 incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle in the amounts  
223 provided for in §§ 46.2-316 and 46.2-472.

224 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United States,  
225 which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and regulations  
226 adopted pursuant to that Act, and for which a Virginia title or registration is sought.

227 "Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the  
228 Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and  
229 that has not been registered in the Commonwealth.

230 "Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their  
231 equipment on a golf course.

232 "Governing body" means the board of supervisors of a county, council of a city, or council of a town, as  
233 context may require.

234 "Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

235 "Highway" means the entire width between the boundary lines of every way or place open to the use of  
236 the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for  
237 law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private  
238 streets that have been specifically designated "highways" by an ordinance adopted by the governing body of  
239 the county, city, or town in which such private roads or streets are located and (ii) the entire width between  
240 the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased,  
241 or controlled by the United States government and located in the Commonwealth.

242 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines  
243 or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or  
244 approximately at, right angles, or the area within which vehicles traveling on different highways joining at

any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

"Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in § 46.2-700, trailers, or semitrailers.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. "Moped" does not include an electric power-assisted bicycle or a motorized skateboard or scooter. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, moped, or personal delivery device shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact

307 with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued  
308 vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than  
309 100 pounds, and (v) has a speed of no more than 20 miles per hour on a paved level surface when powered  
310 solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars  
311 but does not include electric personal assistive mobility devices or electric power-assisted bicycles.

312 "Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign  
313 corporation that is authorized to do business in the Commonwealth by the State Corporation Commission  
314 shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated  
315 in the Commonwealth but doing business outside the Commonwealth, only such principal place of business  
316 or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a  
317 person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days  
318 shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii)  
319 a person, other than (a) a nonresident student as defined in this section or (b) a person who is serving a  
320 full-time church service or proselyting mission of not more than 36 months and who is not gainfully  
321 employed, who has actually resided in the Commonwealth for a period of six months, whether employed or  
322 not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for  
323 registration, shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia  
324 Commercial Driver's License Act (§ 46.2-341.1 et seq.).

325 "Nonresident student" means every nonresident person who is enrolled as a full-time student in an  
326 accredited institution of learning in the Commonwealth and who is not gainfully employed.

327 "Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual  
328 rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter,  
329 for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

330 "Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for  
331 compensation," and "business of transporting persons or property" mean any owner or operator of any motor  
332 vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives  
333 compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in  
334 this section and do not include persons or businesses that receive compensation for delivering a product that  
335 they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of  
336 delivery is included in the sale price of the product, but where the person or business does not derive all or a  
337 substantial portion of its income from the transportation of persons or property except as part of a sales  
338 transaction.

339 "Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor  
340 vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

341 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an  
342 agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated  
343 in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a  
344 mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be  
345 the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges  
346 for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of  
347 the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to  
348 such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as  
349 defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements  
350 of this title as are applicable to vehicles of private carriers.

351 "Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used  
352 primarily for the transportation of no more than 10 persons, including the driver.

353 "Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other  
354 means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also  
355 include a card that enables a person to pay for transactions through the use of value stored on the card itself.

356 "Personal delivery device" means a powered device operated primarily on sidewalks and crosswalks and  
357 intended primarily for the transport of property on public rights-of-way that does not exceed 500 pounds,  
358 excluding cargo, and is capable of navigating with or without the active control or monitoring of a natural  
359 person. Notwithstanding any other provision of law, a personal delivery device shall not be considered a  
360 motor vehicle or a vehicle.

361 "Personal delivery device operator" means an entity or its agent that exercises direct physical control or  
362 monitoring over the navigation system and operation of a personal delivery device. For the purposes of this  
363 definition, "agent" means a person not less than 16 years of age charged by an entity with the responsibility of  
364 navigating and operating a personal delivery device. "Personal delivery device operator" does not include (i)  
365 an entity or person who requests the services of a personal delivery device to transport property or (ii) an  
366 entity or person who only arranges for and dispatches the requested services of a personal delivery device.

367 "Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and  
368 having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for personal

369 use, designed to transport property on its own structure independent of any other vehicle, and having a  
 370 registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

371 "Private road or driveway" means every way in private ownership and used for vehicular travel by the  
 372 owner and those having express or implied permission from the owner, but not by other persons.

373 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially  
 374 altered from its original construction by the removal, addition, or substitution of new or used essential parts.  
 375 Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number,  
 376 line-make, and model year. Except as otherwise provided in this title, this definition shall not include a  
 377 "converted electric vehicle" as defined in this section.

378 "Replica vehicle" means every vehicle of a type required to be registered under this title not fully  
 379 constructed by a licensed manufacturer but either constructed or assembled from components. Such  
 380 components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit  
 381 may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a  
 382 combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or  
 383 type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed  
 384 or specially constructed vehicle as herein defined.

385 "Residence district" means the territory contiguous to a highway, not comprising a business district, where  
 386 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300  
 387 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings,  
 388 or consists of land or buildings in use for business purposes, or consists of territory zoned residential or  
 389 territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

390 "Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or  
 391 restoration except through reapplication after the expiration of the period of revocation.

392 "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel,  
 393 exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or  
 394 barriers or an unpaved area.

395 "Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and  
 396 that is protected or is so marked or indicated by plainly visible signs.

397 "School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus,  
 398 which is: (i) designed and used primarily for the transportation of pupils to and from public, private or  
 399 religious schools, or used for the transportation of individuals with mental or physical disabilities to and from  
 400 a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size  
 401 on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus  
 402 may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the  
 403 Department of Education.

404 "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor  
 405 vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

406 "Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an  
 407 open space or barrier and is located either within the highway right-of-way or within a separate right-of-way.  
 408 Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances,  
 409 joggers, and other nonmotorized users and personal delivery devices.

410 "Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and  
 411 the lateral curbline or ditch.

412 "Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the  
 413 adjacent property lines, intended for use by pedestrians.

414 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or  
 415 runners, and supported in whole or in part by one or more skis, belts, or cleats.

416 "Special construction and forestry equipment" means any vehicle which is designed primarily for highway  
 417 construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work  
 418 and which is not designed for the transportation of persons or property on a public highway.

419 "Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive  
 420 name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed  
 421 vehicle as herein defined.

422 "Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter  
 423 configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below  
 424 the rearmost axle of the power unit.

425 "Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

426 "Suspend" or "suspension" means that the document or privilege suspended has been temporarily  
 427 withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of  
 428 the period of suspension.

429 "Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of  
 430 a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least

431 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a  
432 capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include  
433 any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor  
434 truck" as those terms are defined in this section.

435 "Towing and recovery operator" means a person engaged in the business of (i) removing disabled  
436 vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii)  
437 restoring to the highway or other location where they either can be operated or removed to other locations for  
438 repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

439 "Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle  
440 identification number that is designed or used to carry any person or persons, on any number of wheels,  
441 bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric personal assistive  
442 mobility devices, electric power-assisted bicycles, mopeds, motorized skateboards or scooters, or  
443 motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller  
444 skates, or skateboards.

445 "Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and  
446 not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

447 "Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide  
448 traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility,  
449 or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private  
450 road open to public travel, by authority of the private owner or private official having jurisdiction.

451 "Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a  
452 felony nor a misdemeanor.

453 "Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the  
454 forward movement of a single line of vehicles.

455 "Trailer" means every vehicle without motive power designed for carrying property or passengers wholly  
456 on its own structure and for being drawn by a motor vehicle, including manufactured homes.

457 "Truck" means every motor vehicle designed to transport property on its own structure independent of any  
458 other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not include any  
459 pickup or panel truck.

460 "Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is  
461 the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i)  
462 neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor  
463 vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or  
464 semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed  
465 in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the  
466 lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit  
467 of the lessor, is filed with the Commissioner.

468 "Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and  
469 (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not  
470 include riding lawn mowers.

471 "Vehicle" means every device in, on or by which any person or property is or may be transported or  
472 drawn on a highway, except personal delivery devices and devices moved by human power or used  
473 exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric  
474 personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and  
475 mopeds shall be vehicles while operated on a highway.

476 "Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or  
477 combinations that transport watercraft on their power unit, designed and used exclusively for the  
478 transportation of watercraft.

479 "Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to  
480 provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as  
481 pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices.  
482 So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel  
483 chair conveyance shall not be considered a motor vehicle.

484 **§ 46.2-332. Fees.**  
485 A. The fee for each driver's license other than a commercial driver's license shall be \$2.40 per year, except  
486 no such fee shall be assessed against homeless youth, as described in subdivision A 7 of § 22.1-3. ~~This fee~~  
487 ~~shall not apply to driver privilege cards or permits issued under § 46.2-328.3.~~ If the license is a commercial  
488 driver's license or seasonal restricted commercial driver's license, the fee shall be \$6 per year. For any one or  
489 more driver's license endorsements or classifications, except a motorcycle classification, there shall be an  
490 additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per year.  
491 For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For any  
492 revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10 shall be

493 charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

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

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

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

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

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

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

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

**516 § 46.2-333.1. Surcharges on certain fees of Department; disposition of proceeds.**

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

519 1. For the issuance of any driver's license other than a commercial driver's license, ~~or a driver privilege~~  
520 ~~card issued under § 46.2-328.3~~, \$1.60 per year of validity of the license, except no such fee shall be imposed  
521 on homeless youth, as described in subdivision A 7 of § 22.1-3;

522 2. For the issuance of any commercial driver's license, \$1 per year of validity of the license;

523 3. For the reissuance or replacement of any driver's license, \$5; and

524 4. For the reinstatement of any driver's license, \$15.

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

**528 § 46.2-335. Learner's permits; fees; certification required.**

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

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

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

555 application fee, and successful completion of the examinations, be issued another motorcycle learner's permit  
556 valid for 12 months.

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

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

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

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

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

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

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

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

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

592 H. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit  
593 issued under this section, except no such fee shall be charged for homeless youth, as described in subdivision  
594 A 7 of § 22.1-3. Fees for issuance of learner's permits shall be paid into the driver education fund of the state  
595 treasury; fees for issuance of motorcycle learner's permits, ~~other than permits issued under § 46.2-328.3~~, shall  
596 be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created  
597 pursuant to § 46.2-1191. It is unlawful for any person, after having received a learner's permit, to drive a  
598 motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this  
599 section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation  
600 verifying that the driver is at least 16 years and three months old and has successfully completed an approved  
601 driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in  
602 loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a  
603 licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such  
604 temporary driver's license shall only be valid until the driver has received his permanent license pursuant to  
605 § 46.2-336.

606 I. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person  
607 to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act  
608 (§ 46.2-341.1 et seq.).

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

611 1. The operator shall wear an approved safety helmet as provided in § 46.2-910.  
612 2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is  
613 21 years of age or older.

614 3. No person other than the operator shall occupy the motorcycle.

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

616 **§ 46.2-345.3. Issuance of identification privilege cards; fee; confidentiality; penalties.**

617 A. Upon application of any person who does not hold a status that is eligible for a special identification  
 618 card under subsections A and B of § 46.2-328.1, the parent of any such person who is under the age of 18, or  
 619 the legal guardian of any such person, the Department may issue an identification privilege card to any  
 620 resident of the Commonwealth, provided that:

621 1. Application is made on a form prescribed by the Department;

622 2. The applicant presents, when required by the Department, proof of identity, residency, and social  
 623 security number or individual taxpayer identification number;

624 3. The Department determines that the applicant has reported income and deductions from Virginia  
 625 sources, as defined in § 58.1-302, or has been claimed as a dependent, on an individual income tax return  
 626 filed with the Commonwealth in the preceding 12 months; and

627 4. The applicant does not hold a credential issued under this chapter.

628 ~~Persons 70 years of age or older may exchange a valid Virginia driver privilege card for an identification  
 629 privilege card at no fee. Identification privilege cards subsequently issued to such persons shall be subject to  
 630 the regular fees for identification privilege cards.~~

631 B. The fee for the issuance of an original, duplicate, reissue, or renewal identification privilege card is  
 632 \$25, except no such fee shall be assessed against homeless youth, as described in subdivision A 7 of § 22.1-3.  
 633 The amount paid by an applicant for an identification privilege card shall be considered privileged  
 634 information for the purposes of § 46.2-208.

635 C. An original identification privilege card shall expire on the applicant's fourth birthday following the  
 636 date of issuance. Duplicate, reissue, or renewal identification privilege cards shall be valid for a period of four  
 637 years from the date of issuance. No applicant shall be required to provide proof of compliance with  
 638 subdivision A 3 for a duplicate, reissue, or renewal identification privilege card. Those cards issued to  
 639 children under the age of 15 shall expire on the child's sixteenth birthday.

640 Notwithstanding the provisions of this subsection, the Commissioner may extend the validity period of an  
 641 expiring card if (i) the Department is unable to process an application for renewal due to circumstances  
 642 beyond its control and (ii) the extension has been authorized under a directive from the Governor. However,  
 643 in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

644 D. An identification privilege card issued under this section may be similar in size, shape, and design to a  
 645 driving credential and include a photograph of its holder, but the card shall be readily distinguishable from a  
 646 driving credential and shall clearly state that it does not authorize the person to whom it is issued to drive a  
 647 motor vehicle. Every applicant for an identification privilege card shall appear in person before the  
 648 Department to apply for a renewal, duplicate, or reissue unless specifically permitted by the Department to  
 649 apply in another manner. The front of an identification privilege card shall be identical in appearance to a  
 650 special identification card issued under § 46.2-345, and the back of the card shall be identical in appearance  
 651 to the restriction on the back of a limited-duration special identification card.

652 E. Identification privilege cards, for persons at least 15 years old but younger than 21 years old, shall be  
 653 immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing  
 654 characteristics shall include unique design elements of the credential and descriptors within the photograph  
 655 area to identify persons who are at least 15 years old but younger than 21 years old. These descriptors shall  
 656 include the month, day, and year when the person will become 21 years old.

657 F. Identification privilege cards for persons under age 15 shall bear a full-face photograph. The  
 658 identification card issued to persons under age 15 shall be readily distinguishable from a driving credential  
 659 and from other identification cards issued by the Department. Such cards shall clearly indicate that it does not  
 660 authorize the person to whom it is issued to drive a motor vehicle.

661 G. Any information collected pursuant to this section that is not otherwise collected by the Department or  
 662 required for the issuance of any other special identification card issued pursuant to the provisions of this  
 663 chapter and any information regarding restrictions in the Department's records related to the issuance of a  
 664 credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of  
 665 § 46.2-208, such information shall not be released except upon request by the subject of the information, the  
 666 parent of a minor who is the subject of the information, the guardian of the subject of the information, or the  
 667 authorized representative of the subject of the information or pursuant to a court order.

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

675 H. Any person who uses a false or fictitious name or gives a false or fictitious address in any application  
 676 for an identification privilege card or knowingly makes a false statement or conceals a material fact or  
 677 otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the  
 678 name or address is given, or false statement is made, or fact is concealed, or fraud committed, for the purpose

679 of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

680 I. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's  
681 guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's  
682 condition, the Department shall indicate on the applicant's identification privilege card that the applicant has  
683 any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

684 J. The Department shall establish a method by which an applicant for an original, reissued, or renewed  
685 identification privilege card may indicate his blood type. If the applicant chooses to indicate his blood type,  
686 the Department shall make a notation of this designation on his identification privilege card and in his record.  
687 Such notation on the special identification card shall only be used by emergency medical services agencies in  
688 providing emergency medical support. Upon written request of the license holder or his legal guardian to  
689 have the designation removed, the Department shall issue the identification privilege card without such  
690 designation upon the payment of applicable fees.

691 Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant  
692 to this subsection except to the subject of the information and by designation on the identification privilege  
693 card. Nothing herein shall require the Department to verify any information provided for the designation. No  
694 action taken by any person, whether private citizen or public officer or employee, with regard to any blood  
695 type designation displayed on an identification privilege card, shall create a warranty of the reliability or  
696 accuracy of the document or electronic image, nor shall it create any liability on the part of the  
697 Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

698 K. Unless the context of the Code provides otherwise, an identification privilege card shall be treated as a  
699 special identification card.

700 **§ 58.1-3. Secrecy of information; penalties.**

701 A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax  
702 Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or  
703 revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or  
704 § 58.1-512, 58.1-2712.2, or 58.1-3826, or any former officer or employee of any of the aforementioned  
705 offices shall not divulge any information acquired by him in the performance of his duties with respect to the  
706 transactions, property, including personal property, income or business of any person, firm or corporation.  
707 Such prohibition specifically includes any copy of a federal return or federal return information required by  
708 Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports,  
709 returns, financial documents or other information filed with the Attorney General pursuant to the provisions  
710 of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section  
711 is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

712 1. Matters required by law to be entered on any public assessment roll or book;  
713 2. Acts performed or words spoken, published, or shared with another agency or subdivision of the  
714 Commonwealth in the line of duty under state law;

715 3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly  
716 constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study,  
717 provided that any such information obtained shall be privileged;

718 4. The sales price, date of construction, physical dimensions or characteristics of real property, or any  
719 information required for building permits;

720 5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court  
721 pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by  
722 the commissioner of accounts making a settlement of accounts filed in such estate;

723 6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when  
724 requested by the General Assembly or any duly constituted committee of the General Assembly;

725 7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions  
726 of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a  
727 tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201  
728 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established  
729 pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which  
730 the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit  
731 of the manufacturer. The information shall only be provided in the following manner: the manufacturer may  
732 make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney  
733 General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of  
734 the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney  
735 General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain  
736 actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them  
737 from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the  
738 reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney  
739 General, including a copy of the prior written request to the Stamping Agent and any response received, for  
740 copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of

741 receipt of the request.

742 B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so  
 743 classified as to prevent the identification of particular reports or returns and the items thereof or the  
 744 publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with  
 745 any relevant information which in the opinion of the Department may assist in the collection of such  
 746 delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon  
 747 request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose  
 748 the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how  
 749 few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed  
 750 to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business  
 751 in that locality and divulging, upon written request, the name and address of any person, firm or corporation  
 752 transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the  
 753 commissioner of revenue is authorized to provide, upon written request stating the reason for such request,  
 754 the Tax Commissioner with information obtained from local tax returns and other information pertaining to  
 755 the income, sales and property of any person, firm or corporation licensed to do business in that locality.

756 2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is  
 757 registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a  
 758 certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other  
 759 provision of law, the Department is hereby authorized to make available the names and certificate of  
 760 registration numbers of dealers who are currently registered for retail sales and use tax.

761 3. This section shall not prohibit the Department from disclosing information to nongovernmental entities  
 762 with which the Department has entered into a contract to provide services that assist it in the administration  
 763 of refund processing or other services related to its administration of taxes.

764 4. This section shall not prohibit the Department from disclosing information to taxpayers regarding  
 765 whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer  
 766 submitted withholding records to the Department for a specific taxable year as required pursuant to  
 767 subdivision C 1 of § 58.1-478.

768 5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other  
 769 similar local official who collects or administers taxes for a county, city, or town from disclosing information  
 770 to nongovernmental entities with which the locality has entered into a contract to provide services that assist  
 771 it in the administration of refund processing or other non-audit services related to its administration of taxes.  
 772 The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or  
 773 administers taxes for a county, city, or town shall not disclose information to such entity unless he has  
 774 obtained a written acknowledgement by such entity that the confidentiality and nondisclosure obligations of  
 775 and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such  
 776 obligations.

777 C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax  
 778 Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of  
 779 finance, or other similar collector of county, city, or town taxes who, for the performance of his official  
 780 duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the  
 781 Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of  
 782 income, filing status, number and type of dependents, whether a federal earned income tax credit as  
 783 authorized in § 32 of the Internal Revenue Code and an income tax credit for low-income taxpayers as  
 784 authorized in § 58.1-339.8 have been claimed, and Forms W-2 and 1099 to facilitate the administration of  
 785 public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to  
 786 Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or as may be necessary to facilitate the administration of  
 787 outreach and enrollment related to the federal earned income tax credit authorized in § 32 of the Internal  
 788 Revenue Code and the income tax credit for low-income taxpayers authorized in § 58.1-339.8; (iii) provide to  
 789 the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon  
 790 written request, the names and home addresses of those persons identified by the designated guarantor as  
 791 having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information  
 792 upon request to state agencies and institutions for their confidential use in facilitating the collection of  
 793 accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the  
 794 collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the  
 795 Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax  
 796 information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi)  
 797 provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such  
 798 tax information as may be necessary to facilitate the collection of state and local taxes and the administration  
 799 of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax  
 800 information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii)  
 801 provide to the Department of the Treasury for its confidential use such tax information as may be necessary  
 802 to facilitate the location of owners and holders of unclaimed property, as defined in § 55.1-2500; (ix) provide

803 to the State Corporation Commission, upon entering into a written agreement, such tax information as may be  
804 necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the  
805 Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use  
806 such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi)  
807 provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information  
808 as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies  
809 who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing  
810 and Community Development for its confidential use such tax information as may be necessary to facilitate  
811 the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and  
812 the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information  
813 to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use  
814 when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax  
815 Commissioner is not authorized to provide such information to a private collector who has used or  
816 disseminated in an unauthorized or prohibited manner any such information previously provided to such  
817 collector; (xiv) provide current name and address information as to the identity of the wholesale or retail  
818 dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or  
819 wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of  
820 Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner  
821 of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to  
822 facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of  
823 Human Resource Management, upon entering into a written agreement, such tax information as may be  
824 necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report  
825 earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or  
826 any other officer of any county, city, or town performing any or all of the duties of a commissioner of the  
827 revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the  
828 names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to  
829 the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax  
830 information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide  
831 to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses  
832 licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture  
833 and Consumer Services pursuant to § 3.2-5130; (xx) provide to the developer or the economic development  
834 authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax  
835 information facilitating the repayment of gap financing; (xxi) provide to the Virginia Retirement System and  
836 the Department of Human Resource Management, after entering into a written agreement, such tax  
837 information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401; (xxii) provide  
838 to the Department of Medical Assistance Services and the Department of Social Services, upon entering into  
839 a written agreement, the name, address, social security number, email address, dependent information  
840 provided pursuant to subdivision B 2 of § 58.1-341.1, number and type of personal exemptions, tax-filing  
841 status, adjusted gross income, and any additional information voluntarily provided by the taxpayer for  
842 disclosure pursuant to subdivisions B 1 and 2 of § 58.1-341.1, of an individual, or spouse in the case of a  
843 married taxpayer filing jointly, who has voluntarily consented to such disclosure for purposes of identifying  
844 persons who would like to newly enroll in medical assistance; (xxiii) provide to the Commissioner of the  
845 Department of Motor Vehicles information sufficient to verify that ~~an applicant for a driver privilege card or~~  
846 ~~permit under § 46.2-328.3 or~~ an applicant for an identification privilege card under § 46.2-345.3 reported  
847 income and deductions from Virginia sources, as defined in § 58.1-302, or was claimed as a dependent, on an  
848 individual income tax return filed with the Commonwealth within the preceding 12 months; and (xxiv)  
849 provide to the Virginia Health Benefit Exchange, upon entering into a written agreement, for taxable years  
850 starting on January 1, 2023, or as soon thereafter as practicable, as determined by the Department of Taxation  
851 and the Virginia Health Benefit Exchange, the name, address, social security number, email address,  
852 dependent information provided pursuant to subdivision B 2 of § 58.1-341.1, number and type of personal  
853 exemptions, tax-filing status, adjusted gross income, and any additional information voluntarily provided by  
854 the taxpayer for disclosure pursuant to subdivision B 3 of § 58.1-341.1, of an individual, or spouse in the case  
855 of a married taxpayer filing jointly, who has voluntarily consented to such disclosure for purposes of  
856 identifying persons who do not meet the income eligibility requirements for medical assistance and would  
857 like to newly enroll in a qualified health plan. The Tax Commissioner is further authorized to enter into  
858 written agreements with duly constituted tax officials of other states and of the United States for the  
859 inspection of tax returns, the making of audits, and the exchange of information relating to any tax  
860 administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to  
861 this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax  
862 official.

863 D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the  
864 commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating

865 the reason for such request, the chief executive officer of any county or city with information furnished to the  
 866 commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located  
 867 within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax  
 868 revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational  
 869 Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or  
 870 entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered  
 871 by the Department of Professional and Occupational Regulation, only after the Department of Professional  
 872 and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any  
 873 representative of a condominium unit owners' association, property owners' association or real estate  
 874 cooperative association, or to the owner of property governed by any such association, the names and  
 875 addresses of parties having a security interest in real property governed by any such association; however,  
 876 such information shall be released only upon written request stating the reason for such request, which reason  
 877 shall be limited to proposing or opposing changes to the governing documents of the association, and any  
 878 information received by any person under this subsection shall be used only for the reason stated in the  
 879 written request. The treasurer or other local assessing official may require any person requesting information  
 880 pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any  
 881 person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions  
 882 and penalties prescribed herein as though he were a tax official.

883 Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or  
 884 other collector of taxes for a county, city or town is authorized to provide information relating to any motor  
 885 vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to  
 886 the commissioner of the revenue or other assessing official for such jurisdiction for use by such  
 887 commissioner or other official in performing assessments.

888 This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor  
 889 vehicle local license decal the year, make, and model and any other legal identification information about the  
 890 particular motor vehicle for which that local license decal is assigned.

891 E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory  
 892 unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request,  
 893 the name, address, and social security number of a taxpayer, necessary for the performance of the  
 894 Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of  
 895 the Department of Taxation. The receipt of information by the Tax Commissioner or his agent that may be  
 896 deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

897 F. Additionally, it is unlawful for any person to disseminate, publish, or cause to be published any  
 898 confidential tax document that he knows or has reason to know is a confidential tax document. A confidential  
 899 tax document is any correspondence, document, or tax return that is prohibited from being divulged by  
 900 subsection A, B, C, or D and includes any document containing information on the transactions, property,  
 901 income, or business of any person, firm, or corporation that is required to be filed with any state official by  
 902 § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or  
 903 disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of  
 904 this subsection is guilty of a Class 1 misdemeanor.

905 G. Information provided by an accommodations intermediary pursuant to subsection F of § 58.1-3826 to  
 906 the commissioner of the revenue, treasurer, or any other local tax or revenue officer or employee of a county,  
 907 city, or town, or any other person to whom such tax information is divulged, shall be confidential pursuant to  
 908 subsection A and shall not be divulged to any other department or official of the locality or any other political  
 909 subdivision of the Commonwealth. Such information shall be used by such officials only for the purpose of  
 910 levying and collecting retail sales and use tax, transient occupancy tax, and any other taxes imposed on the  
 911 sale of accommodations.

912 2. That § 46.2-328.3 of the Code of Virginia is repealed.

913 3. That any driver privilege card issued pursuant to § 46.2-328.3, as repealed by this act, shall be  
 914 invalid and that the Department of Motor Vehicles shall notify any person who has been issued such a  
 915 driver privilege card that such driver privilege card is invalid.