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HOUSE BILL NO. 993

Offered January 14, 2026

Prefiled January 13, 2026

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, 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, relating to driver privilege cards and permits; discontinued.

Patron—Garrett

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

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 58.1-3 of the Code of Virginia are amended and reenacted as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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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

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

§ 46.2-100. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

"Commission" means the State Corporation Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or 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 auticycle 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 46.2-332. Fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.**

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

1. Application is made on a form prescribed by the Department;
2. The applicant presents, when required by the Department, proof of identity, residency, and social security number or individual taxpayer identification number;
3. The Department determines that the applicant has reported income and deductions from Virginia sources, as defined in § 58.1-302, or has been claimed as a dependent, on an individual income tax return filed with the Commonwealth in the preceding 12 months; and
4. The applicant does not hold a credential issued under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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