

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 2.2-3705.7, 2.2-3808.1, 4.1-305, 8.01-313, 8.01-420.8, 8.9A-503,  
3 12.1-19, 16.1-69.40:1, 16.1-228, 17.1-293, 18.2-6, 18.2-268.1, 19.2-258.1, 20-60.3, 20-107.1,  
4 22.1-205, 24.2-410.1, 24.2-411.1, 24.2-416.7, 24.2-643, 32.1-291.2, 33.2-613, 38.2-2212, 46.2-328.1,  
5 46.2-330, 46.2-332, 46.2-333.1, 46.2-335, 46.2-343, 58.1-3, 59.1-442, 59.1-443.3, 63.2-1916, and  
6 63.2-1941 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered  
7 46.2-328.3, relating to driver privilege cards; penalty.

8 [S 34]  
9 Approved

10 Be it enacted by the General Assembly of Virginia:  
11 1. That §§ 2.2-3705.7, 2.2-3808.1, 4.1-305, 8.01-313, 8.01-420.8, 8.9A-503, 12.1-19, 16.1-69.40:1,  
12 16.1-228, 17.1-293, 18.2-6, 18.2-268.1, 19.2-258.1, 20-60.3, 20-107.1, 22.1-205, 24.2-410.1, 24.2-411.1,  
13 24.2-416.7, 24.2-643, 32.1-291.2, 33.2-613, 38.2-2212, 46.2-328.1, 46.2-330, 46.2-332, 46.2-333.1,  
14 46.2-335, 46.2-343, 58.1-3, 59.1-442, 59.1-443.3, 63.2-1916, and 63.2-1941 of the Code of Virginia  
15 are amended and reenacted and that the Code of Virginia is amended by adding a section  
16 numbered 46.2-328.3 as follows:

17 § 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain  
18 other limited exclusions.

19 The following information contained in a public record is excluded from the mandatory disclosure  
20 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such  
21 disclosure is prohibited by law. Redaction of information excluded under this section from a public  
22 record shall be conducted in accordance with § 2.2-3704.01.

23 1. State income, business, and estate tax returns, personal property tax returns, and confidential  
24 records held pursuant to § 58.1-3.

25 2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or  
26 the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the  
27 Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any  
28 political subdivision of the Commonwealth; or the president or other chief executive officer of any  
29 public institution of higher education in the Commonwealth. However, no information that is otherwise  
30 open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been  
31 attached to or incorporated within any working paper or correspondence. Further, information publicly  
32 available or not otherwise subject to an exclusion under this chapter or other provision of law that has  
33 been aggregated, combined, or changed in format without substantive analysis or revision shall not be  
34 deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of  
35 any resumes or applications submitted by persons who are appointed by the Governor pursuant to  
36 § 2.2-106 or 2.2-107.

37 As used in this subdivision:  
38 "Members of the General Assembly" means each member of the Senate of Virginia and the House of  
39 Delegates and their legislative aides when working on behalf of such member.

40 "Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of  
41 policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those  
42 individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

43 "Working papers" means those records prepared by or for a public official identified in this  
44 subdivision for his personal or deliberative use.

45 3. Information contained in library records that can be used to identify (i) both (a) any library patron  
46 who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library  
47 patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent,  
48 including a noncustodial parent, or guardian of such library patron.

49 4. Contract cost estimates prepared for the confidential use of the Department of Transportation in  
50 awarding contracts for construction or the purchase of goods or services, and records and automated  
51 systems prepared for the Department's Bid Analysis and Monitoring Program.

52 5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth,  
53 whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by  
54 the political subdivision.

55 6. Information furnished by a member of the General Assembly to a meeting of a standing  
56 committee, special committee, or subcommittee of his house established solely for the purpose of

57 reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of  
58 formulating advisory opinions to members on standards of conduct, or both.

59 7. Customer account information of a public utility affiliated with a political subdivision of the  
60 Commonwealth, including the customer's name and service address, but excluding the amount of utility  
61 service provided and the amount of money charged or paid for such utility service.

62 8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development  
63 Authority concerning individuals who have applied for or received loans or other housing assistance or  
64 who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by  
65 the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the  
66 waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and  
67 housing authority created pursuant to § 36-4 concerning persons participating in or persons on the  
68 waiting list for housing assistance programs funded by local governments or by any such authority; or  
69 (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other  
70 local government agency concerning persons who have applied for occupancy or who have occupied  
71 affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's  
72 own information shall not be denied.

73 9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if  
74 disclosure of such information would have a detrimental effect upon the negotiating position of a  
75 governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

76 10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled  
77 plant and animal species, natural communities, caves, and significant historic and archaeological sites if,  
78 in the opinion of the public body that has the responsibility for such information, disclosure of the  
79 information would jeopardize the continued existence or the integrity of the resource. This exclusion  
80 shall not apply to requests from the owner of the land upon which the resource is located.

81 11. Memoranda, graphics, video or audio tapes, production models, data, and information of a  
82 proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a  
83 specific lottery game design, development, production, operation, ticket price, prize structure, manner of  
84 selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of  
85 drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such  
86 information not been publicly released, published, copyrighted, or patented. Whether released, published,  
87 or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon  
88 the first day of sales for the specific lottery game to which it pertains.

89 12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local  
90 retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a  
91 trust established by one or more local public bodies to invest funds for post-retirement benefits other  
92 than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the  
93 board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of  
94 visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the  
95 Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or  
96 disposition of a security or other ownership interest in an entity, where such security or ownership  
97 interest is not traded on a governmentally regulated securities exchange, if disclosure of such  
98 information would (i) reveal confidential analyses prepared for the board of visitors of the University of  
99 Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared  
100 by the retirement system, a local finance board or board of trustees, or the Virginia College Savings  
101 Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia  
102 College Savings Plan under a promise of confidentiality of the future value of such ownership interest or  
103 the future financial performance of the entity and (ii) have an adverse effect on the value of the  
104 investment to be acquired, held, or disposed of by the retirement system, a local finance board or board  
105 of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of  
106 William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be  
107 construed to prevent the disclosure of information relating to the identity of any investment held, the  
108 amount invested, or the present value of such investment.

109 13. Financial, medical, rehabilitative, and other personal information concerning applicants for or  
110 recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority  
111 under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

112 14. Information held by the Virginia Commonwealth University Health System Authority pertaining  
113 to any of the following: an individual's qualifications for or continued membership on its medical or  
114 teaching staffs; proprietary information gathered by or in the possession of the Authority from third  
115 parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in  
116 awarding contracts for construction or the purchase of goods or services; information of a proprietary  
117 nature produced or collected by or for the Authority or members of its medical or teaching staffs;

118 financial statements not publicly available that may be filed with the Authority from third parties; the  
 119 identity, accounts, or account status of any customer of the Authority; consulting or other reports paid  
 120 for by the Authority to assist the Authority in connection with its strategic planning and goals; the  
 121 determination of marketing and operational strategies where disclosure of such strategies would be  
 122 harmful to the competitive position of the Authority; and information of a proprietary nature produced  
 123 or collected by or for employees of the Authority, other than the Authority's financial or administrative  
 124 records, in the conduct of or as a result of study or research on medical, scientific, technical, or  
 125 scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body  
 126 or a private concern, when such information has not been publicly released, published, copyrighted, or  
 127 patented. This exclusion shall also apply when such information is in the possession of Virginia  
 128 Commonwealth University.

129 15. Information held by the Department of Environmental Quality, the State Water Control Board,  
 130 the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active  
 131 federal environmental enforcement actions that are considered confidential under federal law and (ii)  
 132 enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such  
 133 information shall be disclosed after a proposed sanction resulting from the investigation has been  
 134 proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure  
 135 of information related to inspection reports, notices of violation, and documents detailing the nature of  
 136 any environmental contamination that may have occurred or similar documents.

137 16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel  
 138 itinerary, including vehicle identification data or vehicle enforcement system information; video or  
 139 photographic images; Social Security or other identification numbers appearing on driver's licenses;  
 140 credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll  
 141 facility use.

142 17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax  
 143 identification number, state sales tax number, home address and telephone number, personal and lottery  
 144 banking account and transit numbers of a retailer, and financial information regarding the nonlottery  
 145 operations of specific retail locations and (ii) individual lottery winners, except that a winner's name,  
 146 hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10  
 147 million, the information described in clause (ii) shall not be disclosed unless the winner consents in  
 148 writing to such disclosure.

149 18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a  
 150 person regulated by the Board, where such person has tested negative or has not been the subject of a  
 151 disciplinary action by the Board for a positive test result.

152 19. Information pertaining to the planning, scheduling, and performance of examinations of holder  
 153 records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared  
 154 by or for the State Treasurer or his agents or employees or persons employed to perform an audit or  
 155 examination of holder records.

156 20. Information held by the Virginia Department of Emergency Management or a local governing  
 157 body relating to citizen emergency response teams established pursuant to an ordinance of a local  
 158 governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or  
 159 operating schedule of an individual participant in the program.

160 21. Information held by state or local park and recreation departments and local and regional park  
 161 authorities concerning identifiable individuals under the age of 18 years. However, nothing in this  
 162 subdivision shall operate to prevent the disclosure of information defined as directory information under  
 163 regulations implementing the *federal* Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g,  
 164 unless the public body has undertaken the parental notification and opt-out requirements provided by  
 165 such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian  
 166 of such person, unless the parent's parental rights have been terminated or a court of competent  
 167 jurisdiction has restricted or denied such access. For such information of persons who are emancipated,  
 168 the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the  
 169 subject of the information may waive, in writing, the protections afforded by this subdivision. If the  
 170 protections are so waived, the public body shall open such information for inspection and copying.

171 22. Information submitted for inclusion in the Statewide Alert Network administered by the  
 172 Department of Emergency Management that reveal names, physical addresses, email addresses, computer  
 173 or internet protocol information, telephone numbers, pager numbers, other wireless or portable  
 174 communications device information, or operating schedules of individuals or agencies, where the release  
 175 of such information would compromise the security of the Statewide Alert Network or individuals  
 176 participating in the Statewide Alert Network.

177 23. Information held by the Judicial Inquiry and Review Commission made confidential by  
 178 § 17.1-913.

179 24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local  
180 retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement  
181 system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

182 a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings  
183 Plan on the pursuit of particular investment strategies, or the selection or termination of investment  
184 managers, prior to the execution of such investment strategies or the selection or termination of such  
185 managers, if disclosure of such information would have an adverse impact on the financial interest of  
186 the retirement system or the Virginia College Savings Plan; and

187 b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings  
188 Plan if disclosure of such records would have an adverse impact on the financial interest of the  
189 retirement system or the Virginia College Savings Plan.

190 For the records specified in subdivision b to be excluded from the provisions of this chapter, the  
191 entity shall make a written request to the retirement system or the Virginia College Savings Plan:

192 (1) Invoking such exclusion prior to or upon submission of the data or other materials for which  
193 protection from disclosure is sought;

194 (2) Identifying with specificity the data or other materials for which protection is sought; and

195 (3) Stating the reasons why protection is necessary.

196 The retirement system or the Virginia College Savings Plan shall determine whether the requested  
197 exclusion from disclosure meets the requirements set forth in subdivision b.

198 Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of  
199 any investment held or the present value and performance of all asset classes and subclasses.

200 25. Information held by the Department of Corrections made confidential by § 53.1-233.

201 26. Information maintained by the Department of the Treasury or participants in the Local  
202 Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the  
203 Department to establish accounts in accordance with § 2.2-4602.

204 27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident  
205 Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers,  
206 except that access shall not be denied to the person who is the subject of the information.

207 28. Information maintained in connection with fundraising activities by the Veterans Services  
208 Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone  
209 number, social security number or other identification number appearing on a driver's license *or other*  
210 *document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another*  
211 *jurisdiction*, or credit card or bank account data of identifiable donors, except that access shall not be  
212 denied to the person who is the subject of the information. Nothing in this subdivision, however, shall  
213 be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of  
214 the pledge or donation or the identity of the donor, unless the donor has requested anonymity in  
215 connection with or as a condition of making a pledge or donation. The exclusion provided by this  
216 subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or  
217 contracting with the foundation for the performance of services or other work or (ii) the terms and  
218 conditions of such grants or contracts.

219 29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the  
220 training of state prosecutors or law-enforcement personnel, where such information is not otherwise  
221 available to the public and the disclosure of such information would reveal confidential strategies,  
222 methods, or procedures to be employed in law-enforcement activities or materials created for the  
223 investigation and prosecution of a criminal case.

224 30. Information provided to the Department of Aviation by other entities of the Commonwealth in  
225 connection with the operation of aircraft where the information would not be subject to disclosure by the  
226 entity providing the information. The entity providing the information to the Department of Aviation  
227 shall identify the specific information to be protected and the applicable provision of this chapter that  
228 excludes the information from mandatory disclosure.

229 31. Information created or maintained by or on the behalf of the judicial performance evaluation  
230 program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

231 32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are  
232 discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child  
233 abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual  
234 abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or  
235 exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established  
236 pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published  
237 in statistical or other aggregated form that does not disclose the identity of specific individuals.

238 33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the  
239 Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target

240 companies, specific allocation of resources and staff for marketing activities, and specific marketing  
 241 activities that would reveal to the Commonwealth's competitors for economic development projects the  
 242 strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial  
 243 interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and  
 244 operational plan shall not be redacted or withheld pursuant to this subdivision.

245 34. Information discussed in a closed session of the Physical Therapy Compact Commission or the  
 246 Executive Board or other committees of the Commission for purposes set forth in subsection E of  
 247 § 54.1-3491.

248 **§ 2.2-3808.1. Agencies' disclosure of certain account information prohibited.**

249 Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of this title, it shall be unlawful for any agency to  
 250 disclose the social security number or other identification numbers appearing on a driver's licenses  
 251 license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable  
 252 law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic  
 253 billing and payment systems that was supplied to an agency for the purpose of paying fees, fines, taxes,  
 254 or other charges collected by such agency. The prohibition shall not apply where disclosure of such  
 255 information is required (i) to conduct or complete the transaction for which such information was  
 256 submitted or (ii) by other law or court order.

257 **§ 4.1-305. Purchasing or possessing alcoholic beverages unlawful in certain cases; venue;  
 258 exceptions; penalty; forfeiture; deferred proceedings; treatment and education programs and  
 259 services.**

260 A. No person to whom an alcoholic beverage may not lawfully be sold under § 4.1-304 shall  
 261 consume, purchase or possess, or attempt to consume, purchase or possess, any alcoholic beverage,  
 262 except (i) pursuant to subdivisions 1 through 7 of § 4.1-200; (ii) where possession of the alcoholic  
 263 beverages by a person less than 21 years of age is due to such person's making a delivery of alcoholic  
 264 beverages in pursuance of his employment or an order of his parent; or (iii) by any state, federal, or  
 265 local law-enforcement officer or his agent when possession of an alcoholic beverage is necessary in the  
 266 performance of his duties. Such person may be prosecuted either in the county or city in which the  
 267 alcohol was possessed or consumed, or in the county or city in which the person exhibits evidence of  
 268 physical indicia of consumption of alcohol. It shall be an affirmative defense to a charge of a violation  
 269 of this subsection if the defendant shows that such consumption or possession was pursuant to  
 270 subdivision 7 of § 4.1-200.

271 B. No person under the age of 21 years shall use or attempt to use any (i) altered, fictitious,  
 272 facsimile, or simulated license to operate a motor vehicle; (ii) altered, fictitious, facsimile, or simulated  
 273 document, including, but not limited to a birth certificate or student identification card; or (iii) motor  
 274 vehicle operator's driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title  
 275 46.2 or the comparable law of another jurisdiction, birth certificate, or student identification card of  
 276 another person in order to establish a false identification or false age for himself to consume, purchase,  
 277 or attempt to consume or purchase an alcoholic beverage.

278 C. Any person found guilty of a violation of this section shall be guilty of a Class 1  
 279 misdemeanor, and upon conviction; (i) such person shall be ordered to pay a mandatory minimum fine  
 280 of \$500 or ordered to perform a mandatory minimum of 50 hours of community service as a condition  
 281 of probation supervision and (ii) the license to operate a motor vehicle in the Commonwealth of any  
 282 such person age 18 or older shall be suspended for a period of not less than six months and not more  
 283 than one year; the license to operate a motor vehicle in the Commonwealth of any juvenile shall be  
 284 handled in accordance with the provisions of § 16.1-278.9. The court, in its discretion and upon a  
 285 demonstration of hardship, may authorize an adult convicted of a violation of this section the use of a  
 286 restricted permit license to operate a motor vehicle in accordance with the provisions of subsection E of  
 287 § 18.2-271.1 or when referred to a local community-based probation services agency established  
 288 pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1. During the period of license  
 289 suspension, the court may require an adult who is issued a restricted permit license under the provisions  
 290 of this subsection to be (a) monitored by an alcohol safety action program; or (b) supervised by a local  
 291 community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of  
 292 Chapter 1 of Title 9.1, if one has been established for the locality. The alcohol safety action program or  
 293 local community-based probation services agency shall report to the court any violation of the terms of  
 294 the restricted permit license, the required alcohol safety action program monitoring or local  
 295 community-based probation services and any condition related thereto or any failure to remain  
 296 alcohol-free during the suspension period.

297 D. Any alcoholic beverage purchased or possessed in violation of this section shall be deemed  
 298 contraband and forfeited to the Commonwealth in accordance with § 4.1-338.

299 E. Any retail licensee who in good faith promptly notifies the Board or any state or local  
 300 law-enforcement agency of a violation or suspected violation of this section shall be accorded immunity

301 from an administrative penalty for a violation of § 4.1-304.

302 F. When any adult who has not previously been convicted of underaged consumption, purchase or  
 303 possession of alcoholic beverages in Virginia or any other state or the United States is before the court,  
 304 the court may, upon entry of a plea of guilty or not guilty, if the facts found by the court would justify  
 305 a finding of guilt of a violation of subsection A, without entering a judgment of guilt and with the  
 306 consent of the accused, defer further proceedings and place him on probation subject to appropriate  
 307 conditions. Such conditions may include the imposition of the license suspension and restricted license  
 308 provisions in subsection C. However, in all such deferred proceedings, the court shall require the  
 309 accused to enter a treatment or education program or both, if available, that in the opinion of the court  
 310 best suits the needs of the accused. If the accused is placed on local community-based probation, the  
 311 program or services shall be located in any of the judicial districts served by the local community-based  
 312 probation services agency or in any judicial district ordered by the court when the placement is with an  
 313 alcohol safety action program. The services shall be provided by (i) a program licensed by the  
 314 Department of Behavioral Health and Developmental Services, (ii) certified by the Commission on  
 315 VASAP, or (iii) by a program or services made available through a community-based probation services  
 316 agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been  
 317 established for the locality. When an offender is ordered to a local community-based probation services  
 318 rather than the alcohol safety action program, the local community-based probation services agency shall  
 319 be responsible for providing for services or referring the offender to education or treatment services as a  
 320 condition of probation.

321 Upon violation of a condition, the court may enter an adjudication of guilt and proceed as otherwise  
 322 provided. Upon fulfillment of the conditions, the court shall discharge the person and dismiss the  
 323 proceedings against him without an adjudication of guilt. A discharge and dismissal hereunder shall be  
 324 treated as a conviction for the purpose of applying this section in any subsequent proceedings.

325 When any juvenile is found to have committed a violation of subsection A, the disposition of the  
 326 case shall be handled according to the provisions of Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title  
 327 16.1.

328 **§ 8.01-313. Specific addresses for mailing by statutory agent.**

329 A. For the statutory agent appointed pursuant to §§ 8.01-308 and 8.01-309, the address for the  
 330 mailing of the process as required by § 8.01-312 shall be the last known address of the nonresident or,  
 331 where appropriate under subdivision B 1 or 2 of § 8.01-310 B, of the executor, administrator, or other  
 332 personal representative of the nonresident. However, upon the filing of an affidavit by the plaintiff that  
 333 he does not know and is unable with due diligence to ascertain any post-office address of such  
 334 nonresident, service of process on the statutory agent shall be sufficient without the mailing otherwise  
 335 required by this section. Provided further that:

336 1. In the case of a nonresident defendant licensed by the Commonwealth to operate a motor vehicle,  
 337 the last address reported by such defendant to the Department of Motor Vehicles as his address on an  
 338 application for or renewal of a ~~driver's license~~ *driving privileges* shall be deemed to be the address of  
 339 the defendant for the purpose of the mailing required by this section if no other address is known, and,  
 340 in any case in which the affidavit provided for in § 8.01-316 of this chapter is filed, such a defendant,  
 341 by so notifying the Department of such an address, and by failing to notify the Department of any  
 342 change therein, shall be deemed to have appointed the Commissioner of the Department of Motor  
 343 Vehicles his statutory agent for service of process in an action arising out of operation of a motor  
 344 vehicle by him in the Commonwealth, and to have accepted as valid service such mailing to such  
 345 address; or

346 2. In the case of a nonresident defendant not licensed by the Commonwealth to operate a motor  
 347 vehicle, the address shown on the copy of the report of accident required by § 46.2-372 filed by or for  
 348 him with the Department, and on file at the office of the Department, or the address reported by such a  
 349 defendant to any state or local police officer, or sheriff investigating the accident sued on, if no other  
 350 address is known, shall be conclusively presumed to be a valid address of such defendant for the  
 351 purpose of the mailing provided for in this section, and his so reporting of an incorrect address, or his  
 352 moving from the address so reported without making provision for forwarding to him of mail directed  
 353 thereto, shall be deemed to be a waiver of notice and a consent to and acceptance of service of process  
 354 served upon the Commissioner of the Department of Motor Vehicles as provided in this section.

355 B. For the statutory agent appointed pursuant to § 64.2-1426, the address for the mailing of process  
 356 as required by § 8.01-312 shall be the address of the fiduciary's statutory agent as contained in the  
 357 written consent most recently filed with the clerk of the circuit court wherein the qualification of such  
 358 fiduciary was had or, in the event of the death, removal, resignation or absence from the Commonwealth  
 359 of such statutory agent, or in the event that such statutory agent cannot with due diligence be found at  
 360 such address, the address of the clerk of such circuit court.

361 **§ 8.01-420.8. Protection of confidential information in court files.**

362 A. Whenever a party files, or causes to be filed, with the court a motion, pleading, subpoena, exhibit,  
 363 or other document containing a social security number or other identification number appearing on a  
 364 driver's license *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the*  
 365 *comparable law of another jurisdiction, or on a credit card, debit card, bank account, or other electronic*  
 366 *billing and payment system, the party shall make reasonable efforts to redact all but the last four digits*  
 367 *of the identification number.*

368 B. The provisions of subsection A apply to all civil actions in circuit and district court, unless there  
 369 is a specific statute to the contrary that applies to the particular type of proceeding in which the party is  
 370 involved.

371 C. Nothing in this section shall create a private cause of action against the party or lawyer who filed  
 372 the document or any court personnel, the clerk, or any employees of the clerk's office who received it  
 373 for filing.

374 **§ 8.9A-503. Name of debtor and secured party.**

375 (a) Sufficiency of debtor's name. A financing statement sufficiently provides the name of the debtor:

376 (1) except as otherwise provided in paragraph (3), if the debtor is a registered organization or the  
 377 collateral is held in a trust that is a registered organization, only if the financing statement provides the  
 378 name that is stated to be the registered organization's name on the public organic record most recently  
 379 filed with or issued or enacted by the registered organization's jurisdiction of organization which  
 380 purports to state, amend, or restate the registered organization's name;

381 (2) subject to subsection (f), if the collateral is being administered by the personal representative of a  
 382 decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent  
 383 and, in a separate part of the financing statement, indicates that the collateral is being administered by a  
 384 personal representative;

385 (3) if the collateral is held in a trust that is not a registered organization, only if the financing  
 386 statement:

387 (A) provides, as the name of the debtor:

388 (i) if the organic record of the trust specifies a name for the trust, the name specified; or

389 (ii) if the organic record of the trust does not specify a name for the trust, the name of the settlor or  
 390 testator; and

391 (B) in a separate part of the financing statement:

392 (i) if the name is provided in accordance with subparagraph (A)(i), indicates that the collateral is  
 393 held in trust; or

394 (ii) if the name is provided in accordance with subparagraph (A)(ii), provides additional information  
 395 sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same  
 396 testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

397 (4) subject to subsection (g), if the debtor is an individual to whom the Commonwealth has issued a  
 398 driver's license or ~~identification card pursuant to~~ *other document under Chapter 3 (§ 46.2-300 et seq.) of*  
 399 *Title 46.2 that has not expired, only if it provides the name of the individual which is indicated on the*  
 400 *driver's license or ~~identification card~~ other document;*

401 (5) if the debtor is an individual to whom paragraph (4) does not apply, only if it provides the  
 402 individual name of the debtor or the surname and first personal name of the debtor; and

403 (6) in other cases:

404 (A) if the debtor has a name, only if it provides the organizational name of the debtor; and

405 (B) if the debtor does not have a name, only if it provides the names of the partners, members,  
 406 associates, or other persons comprising the debtor, in a manner that each name provided would be  
 407 sufficient if the person named were the debtor.

408 (b) Additional debtor-related information. A financing statement that provides the name of the debtor  
 409 in accordance with subsection (a) is not rendered ineffective by the absence of:

410 (1) a trade name or other name of the debtor; or

411 (2) unless required under subsection (a)(6)(B), names of partners, members, associates, or other  
 412 persons comprising the debtor.

413 (c) Debtor's trade name insufficient. A financing statement that provides only the debtor's trade name  
 414 does not sufficiently provide the name of the debtor.

415 (d) Representative capacity. Failure to indicate the representative capacity of a secured party or  
 416 representative of a secured party does not affect the sufficiency of a financing statement.

417 (e) Multiple debtors and secured parties. A financing statement may provide the name of more than  
 418 one debtor and the name of more than one secured party.

419 (f) Name of decedent. The name of the decedent indicated on the order appointing the personal  
 420 representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as  
 421 the "name of the decedent" under subsection (a)(2).

422 (g) Multiple driver's licenses. If the Commonwealth has issued to an individual more than one

423 driver's license or ~~identification card~~ *and other document* of a kind described in subsection (a)(4), the one  
424 that was issued most recently is the one to which subsection (a)(4) refers.

425 (h) Definition. In this section, the "name of the settlor or testator" means:

426 (1) if the settlor is a registered organization, the name of the registered organization indicated on the  
427 public organic record filed with or issued or enacted by the registered organization's jurisdiction of  
428 organization; or

429 (2) in other cases, the name of the settlor or testator indicated in the trust's organic record.

430 **§ 12.1-19. Duties of clerk; records; copies; personal identifiable information; records related to**  
431 **the administrative activities of the Commission; unauthorized filings.**

432 A. The clerk of the Commission shall:

433 1. Keep a record of all the proceedings, orders, findings, and judgments of the public sessions of the  
434 Commission, and the minutes of the proceedings of each day's public session shall be read and approved  
435 by the Commission and signed by its chairman, or acting chairman;

436 2. Subject to the supervision and control of the Commission, have custody of and preserve all of the  
437 records, documents, papers, and files of the Commission, or which may be filed before it in any  
438 complaint, proceeding, contest, or controversy, and such records, documents, papers, and files shall be  
439 open to public examination in the office of the clerk to the same extent as the records and files of the  
440 courts of this Commonwealth;

441 3. When requested, make and certify copies from any record, document, paper, or file in the clerk's  
442 office, and if required, affix the seal of the Commission (or a facsimile thereof) thereto, and otherwise  
443 furnish and certify information from the Commission records by any means the Commission may deem  
444 suitable; and, except when made at the instance of the Commission or on behalf of the Commonwealth,  
445 a political subdivision of the Commonwealth, or the government of the United States, the clerk shall  
446 charge and collect the fees fixed by §§ 12.1-21.1 and 12.1-21.2; and any such copy or information, so  
447 certified, shall have the same faith, credit, and legal effect as copies made and certified by the clerks of  
448 the courts of this Commonwealth from the records and files thereof;

449 4. Certify all allowances made by the Commission to be paid out of the public treasury for witness  
450 fees, service of process, or other expenses;

451 5. Issue all notices, writs, processes, or orders awarded by the Commission, or authorized by law, or  
452 by the rules of the Commission;

453 6. Receive all fines and penalties imposed by the Commission, all moneys collected on judgments,  
454 all registration fees required by law to be paid by corporations, limited liability companies, and other  
455 types of business entities, including delinquencies thereof, and all other fees collected by the  
456 Commission, and shall keep an accurate account of the same and the disposition of such receipts and  
457 shall, at least once in every 30 days during the clerk's term of office, render a statement of all such  
458 receipts and collections to the Comptroller, and pay the same into the treasury of the Commonwealth,  
459 and shall keep all such other accounts of such collections and disbursements, and shall make all such  
460 other reports thereof as may be required by law or by the regulations prescribed by the Comptroller; and

461 7. Generally have the powers, discharge the functions, and perform the duties of a clerk of a court of  
462 record in all matters within the jurisdiction of the Commission. The Commission may designate one or  
463 more deputies or assistants of the clerk who may discharge any of the clerk's official duties during the  
464 clerk's continuance in office.

465 B. A person who prepares or submits to the office of the clerk of the Commission a document or  
466 any information for filing with the Commission pursuant to Title 8.9A, Title 13.1, or Title 50 is  
467 responsible for ensuring that the document or information does not contain any personal identifiable  
468 information, unless such information is otherwise publicly available or is required or authorized by law  
469 to be included in the document or information provided. For purposes of this subsection, "personal  
470 identifiable information" means (i) a social security number or any other numbers appearing on driver's  
471 licenses *or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable*  
472 *law of another jurisdiction*; (ii) information on credit cards, debit cards, bank accounts, or other  
473 electronic billing and payment systems; (iii) a date of birth identified with a particular individual; (iv)  
474 the maiden name of an individual's parent; or (v) any financial account number. Any person who  
475 prepares or submits to the office of the clerk a document for filing that contains personal identifiable  
476 information shall be deemed to have authorized the clerk or any member of the clerk's staff to remove,  
477 delete, or obliterate, without prior notice, such information prior or subsequent to recording or filing the  
478 document in the office of the clerk. Nothing in this subsection shall be deemed to require the clerk to  
479 alter any document submitted for filing. The clerk may refuse to accept for filing any document that  
480 includes personal identifiable information and return it for modification or explanation. The Commission,  
481 its members, the clerk of the Commission, and any member of the clerk's staff are immune from  
482 liability in any proceeding arising from any acts or omissions in the implementation of this subsection.  
483 This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that

484 exists under statutory or common law.

485 C. 1. The Commission shall make available for public inspection records related to the administrative  
486 activities of the Commission.

487 2. Disclosure of such records shall not be required, however, if (i) such records are otherwise  
488 covered by applicable legal privileges, (ii) disclosure of such records could threaten the safety or  
489 security of the Commission's employees, physical plant, or information technology assets or data, or (iii)  
490 such records are not publicly available from other public entities under the laws of the Commonwealth,  
491 including §§ 2.2-3705.1 and 2.2-4342.

492 3. Records held by the clerk of the Commission related to business entities shall be made public or  
493 held confidential in accordance with laws and regulations applicable specifically to such records.

494 4. The Commission shall respond within five business days of receiving requests for administrative  
495 records. If it is impracticable to provide the records requested within such time period, the Commission  
496 shall notify the requester that an additional seven business days will be required, unless due to the scope  
497 of the records requested or length of search necessary to locate them the Commission requires additional  
498 time, which shall not be unreasonable in length. When any such requested records are not provided, the  
499 Commission shall notify the requester of the basis of the denial.

500 5. As used in this subsection, "administrative activities" means matters related to the Commission's  
501 operational responsibilities and operational functions, including its revenues, expenditures, financial  
502 management and budgetary practices, personnel policies and practices, and procurement policies and  
503 practices. "Administrative activities" shall not include the Commission's formal or informal regulatory or  
504 legal proceedings or activities, records related to which shall be governed, inter alia, by laws and  
505 regulations applicable specifically to such regulatory and legal proceedings or activities, or in accordance  
506 with applicable legal privileges.

507 D. Notwithstanding any other provision of law, the clerk may review the circumstances surrounding  
508 the execution or delivery of any document associated with any business entity of record in the office of  
509 the clerk that was submitted for filing under a business entity statute administered by the Commission  
510 pursuant to Title 13.1 or Title 50. If the clerk determines that the person who executed or delivered the  
511 document was without authority to act on behalf of the business entity, the clerk is authorized (i) to  
512 refuse to accept the document for filing or (ii) if the document has been filed, to summarily remove the  
513 document and any documents and data related to the filing from the records in the office of the clerk,  
514 correct such records, and provide notice to any business entity affected by the filing. The Commission,  
515 its members, the clerk of the Commission, and any member of the clerk's staff are immune from  
516 liability in any proceeding arising from any acts or omissions in the implementation of this subsection.  
517 This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that  
518 exists under statutory or common law.

519 **§ 16.1-69.40:1. Traffic infractions within authority of traffic violations clerk; schedule of fines;  
520 prepayment of local ordinances.**

521 A. The Supreme Court shall by rule, which may from time to time be amended, supplemented or  
522 repealed, but which shall be uniform in its application throughout the Commonwealth, designate the  
523 traffic infractions for which a pretrial waiver of appearance, plea of guilty and fine payment may be  
524 accepted. Such designated infractions shall include violations of §§ 46.2-830.1, 46.2-878.2 and 46.2-1242  
525 or any parallel local ordinances. Notwithstanding any rule of the Supreme Court, a person charged with  
526 a traffic offense that is listed as prepayable in the Uniform Fine Schedule may prepay his fines and  
527 costs without court appearance whether or not he was involved in an accident. The prepayable fine  
528 amount for a violation of § 46.2-878.2 shall be \$200 plus an amount per mile-per-hour in excess of  
529 posted speed limits, as authorized in § 46.2-878.3.

530 Such infractions shall not include:

531 1. Indictable offenses;

532 2. [Repealed.]

533 3. Operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or  
534 habit-producing drug, or permitting another person, who is under the influence of intoxicating liquor or  
535 a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his custody  
536 or control;

537 4. Reckless driving;

538 5. Leaving the scene of an accident;

539 6. Driving while under suspension or revocation of ~~driver's license~~ *driving privileges*;

540 7. Driving without being licensed to drive.

541 8. [Repealed.]

542 B. An appearance may be made in person or in writing by mail to a clerk of court or in person  
543 before a magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a  
544 waiver of trial and a plea of guilty and pay the fine and any civil penalties established for the offense

545 charged, with costs. He shall, prior to the plea, waiver, and payment, be informed of his right to stand  
 546 trial, that his signature to a plea of guilty will have the same force and effect as a judgment of court,  
 547 and that the record of conviction will be sent to the Commissioner of the Department of Motor Vehicles  
 548 or the appropriate offices of the State where he received his license to drive.

549 C. The Supreme Court, upon the recommendation of the Committee on District Courts, shall  
 550 establish a schedule, within the limits prescribed by law, of the amounts of fines and any civil penalties  
 551 to be imposed, designating each infraction specifically. The schedule, which may from time to time be  
 552 amended, supplemented or repealed, shall be uniform in its application throughout the Commonwealth.  
 553 Such schedule shall not be construed or interpreted so as to limit the discretion of any trial judge trying  
 554 individual cases at the time fixed for trial. The rule of the Supreme Court establishing the schedule shall  
 555 be prominently posted in the place where the fines are paid. Fines and costs shall be paid in accordance  
 556 with the provisions of this Code or any rules or regulations promulgated thereunder.

557 D. Fines imposed under local traffic infraction ordinances that do not parallel provisions of state law  
 558 and fulfill the criteria set out in subsection A may be prepayable in the manner set forth in subsection B  
 559 if such ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of  
 560 each circuit may establish a schedule of the fines, within the limits prescribed by local ordinances, to be  
 561 imposed for prepayment of local ordinances designating each offense specifically. Upon the entry of  
 562 such order it shall be forwarded within 10 days to the Supreme Court of Virginia by the clerk of the  
 563 local circuit court. The schedule, which from time to time may be amended, supplemented or repealed,  
 564 shall be uniform in its application throughout the circuit. Such schedule shall not be construed or  
 565 interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for  
 566 trial. This schedule shall be prominently posted in the place where fines are paid. Fines and costs shall  
 567 be paid in accordance with the provisions of this Code or any rules or regulations promulgated  
 568 thereunder.

569 **§ 16.1-228. Definitions.**

570 ~~When~~ As used in this chapter, unless the context otherwise requires a different meaning:

571 "Abused or neglected child" means any child:

572 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or  
 573 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than  
 574 accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental  
 575 functions, including, but not limited to, a child who is with his parent or other person responsible for his  
 576 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled  
 577 substance, or (ii) during the unlawful sale of such substance by that child's parents or other person  
 578 responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would  
 579 constitute a felony violation of § 18.2-248;

580 2. Whose parents or other person responsible for his care neglects or refuses to provide care  
 581 necessary for his health; however, no child who in good faith is under treatment solely by spiritual  
 582 means through prayer in accordance with the tenets and practices of a recognized church or religious  
 583 denomination shall for that reason alone be considered to be an abused or neglected child;

584 3. Whose parents or other person responsible for his care abandons such child;

585 4. Whose parents or other person responsible for his care commits or allows to be committed any  
 586 sexual act upon a child in violation of the law;

587 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or  
 588 physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco  
 589 parentis;

590 6. Whose parents or other person responsible for his care creates a substantial risk of physical or  
 591 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as  
 592 defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who  
 593 the parent or other person responsible for his care knows has been convicted of an offense against a  
 594 minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

595 7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in  
 596 the *federal* Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the *federal*  
 597 Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

598 If a civil proceeding under this chapter is based solely on the parent having left the child at a  
 599 hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely  
 600 delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency  
 601 medical services agency that employs emergency medical services personnel, within 14 days of the  
 602 child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for  
 603 adoption, the court may find such a child is a neglected child upon the ground of abandonment.

604 "Adoptive home" means the place of residence of any natural person in which a child resides as a  
 605 member of the household and in which he has been placed for the purposes of adoption or in which he

606 has been legally adopted by another member of the household.

607 "Adult" means a person 18 years of age or older.

608 "Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part  
609 of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a  
610 delinquent act which would be a felony if committed by an adult.

611 "Boot camp" means a short term secure or nonsecure juvenile residential facility with highly  
612 structured components including, but not limited to, military style drill and ceremony, physical labor,  
613 education and rigid discipline, and no less than six months of intensive aftercare.

614 "Child," "juvenile," or "minor" means a person less than 18 years of age.

615 "Child in need of services" means (i) a child whose behavior, conduct or condition presents or results  
616 in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14  
617 whose behavior, conduct or condition presents or results in a serious threat to the well-being and  
618 physical safety of another person; however, no child who in good faith is under treatment solely by  
619 spiritual means through prayer in accordance with the tenets and practices of a recognized church or  
620 religious denomination shall for that reason alone be considered to be a child in need of services, nor  
621 shall any child who habitually remains away from or habitually deserts or abandons his family as a  
622 result of what the court or the local child protective services unit determines to be incidents of physical,  
623 emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

624 However, to find that a child falls within these provisions, (i) the conduct complained of must  
625 present a clear and substantial danger to the child's life or health or to the life or health of another  
626 person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being  
627 received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or  
628 services needed by the child or his family.

629 "Child in need of supervision" means:

630 1. A child who, while subject to compulsory school attendance, is habitually and without justification  
631 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of  
632 any and all educational services and programs that are required to be provided by law and which meet  
633 the child's particular educational needs, (ii) the school system from which the child is absent or other  
634 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,  
635 and (iii) the school system has provided documentation that it has complied with the provisions of  
636 § 22.1-258; or

637 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or  
638 placement authority, remains away from or deserts or abandons his family or lawful custodian on more  
639 than one occasion or escapes or remains away without proper authority from a residential care facility in  
640 which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to  
641 the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not  
642 presently being received, and (iii) the intervention of the court is essential to provide the treatment,  
643 rehabilitation or services needed by the child or his family.

644 "Child welfare agency" means a child-placing agency, child-caring institution or independent foster  
645 home as defined in § 63.2-100.

646 "The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile  
647 and domestic relations district court of each county or city.

648 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an  
649 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of  
650 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an  
651 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if  
652 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to  
653 take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

654 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed  
655 a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been  
656 terminated under the provisions of § 16.1-269.6.

657 "Department" means the Department of Juvenile Justice and "Director" means the administrative head  
658 in charge thereof or such of his assistants and subordinates as are designated by him to discharge the  
659 duties imposed upon him under this law.

660 "Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or  
661 the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the  
662 highways.

663 "Family abuse" means any act involving violence, force, or threat that results in bodily injury or  
664 places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by  
665 a person against such person's family or household member. Such act includes, but is not limited to, any  
666 forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of

667 Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable  
668 apprehension of death, sexual assault, or bodily injury.

669 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the  
670 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same  
671 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,  
672 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in  
673 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,  
674 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)  
675 any individual who has a child in common with the person, whether or not the person and that  
676 individual have been married or have resided together at any time, or (vi) any individual who cohabits  
677 or who, within the previous 12 months, cohabited with the person, and any children of either of them  
678 then residing in the same home with the person.

679 "Fictive kin" means persons who are not related to a child by blood or adoption but have an  
680 established relationship with the child or his family.

681 "Foster care services" means the provision of a full range of casework, treatment and community  
682 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or  
683 in need of services as defined in this section and his family when the child (i) has been identified as  
684 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through  
685 an agreement between the local board of social services or a public agency designated by the  
686 community policy and management team and the parents or guardians where legal custody remains with  
687 the parents or guardians, (iii) has been committed or entrusted to a local board of social services or  
688 child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board  
689 pursuant to § 16.1-293.

690 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in  
691 the custody of a local board or licensed child-placing agency by the local board or licensed child-placing  
692 agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was  
693 committed to the Department of Juvenile Justice immediately prior to placement by the Department of  
694 Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute  
695 parental supervision.

696 "Independent living services" means services and activities provided to a child in foster care 14 years  
697 of age or older and who has been committed or entrusted to a local board of social services, child  
698 welfare agency, or private child-placing agency. "Independent living services" may also mean services  
699 and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet  
700 reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his  
701 commitment to the Department of Juvenile Justice, was in the custody of a local board of social  
702 services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was  
703 committed to the Department of Juvenile Justice immediately prior to placement in an independent  
704 living arrangement. Such services shall include counseling, education, housing, employment, and money  
705 management skills development and access to essential documents and other appropriate services to help  
706 children or persons prepare for self-sufficiency.

707 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this  
708 chapter.

709 "Jail" or "other facility designed for the detention of adults" means a local or regional correctional  
710 facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding  
711 cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the  
712 transfer of a child to a juvenile facility.

713 "The judge" means the judge or the substitute judge of the juvenile and domestic relations district  
714 court of each county or city.

715 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in  
716 this chapter.

717 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to  
718 have physical custody of the child, to determine and redetermine where and with whom he shall live,  
719 the right and duty to protect, train and discipline him and to provide him with food, shelter, education  
720 and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal  
721 status created by court order of joint custody as defined in § 20-107.2.

722 "Permanent foster care placement" means the place of residence in which a child resides and in  
723 which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation  
724 and agreement between the placing agency and the place of permanent foster care that the child shall  
725 remain in the placement until he reaches the age of majority unless modified by court order or unless  
726 removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of  
727 residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term

728 basis.

729 "Qualified individual" means a trained professional or licensed clinician who is not an employee of  
730 the local board of social services or licensed child-placing agency that placed the child in a qualified  
731 residential treatment program and is not affiliated with any placement setting in which children are  
732 placed by such local board of social services or licensed child-placing agency.

733 "Qualified residential treatment program" means a program that (i) provides 24-hour residential  
734 placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that  
735 meets the clinical and other needs of children with serious emotional or behavioral disorders, including  
736 any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this  
737 definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site  
738 and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts  
739 outreach with the child's family members, including efforts to maintain connections between the child  
740 and his siblings and other family; documents and maintains records of such outreach efforts; and  
741 maintains contact information for any known biological family and fictive kin of the child; (v) whenever  
742 appropriate and in the best interest of the child, facilitates participation by family members in the child's  
743 treatment program before and after discharge and documents the manner in which such participation is  
744 facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months  
745 after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an  
746 organization approved by the federal Secretary of Health and Human Services; and (viii) requires that  
747 any child placed in the program receive an assessment within 30 days of such placement by a qualified  
748 individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based,  
749 validated, and functional assessment tool approved by the Commissioner of Social Services; (b)  
750 identifies whether the needs of the child can be met through placement with a family member or in a  
751 foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified  
752 residential treatment program, that would provide the most effective and appropriate level of care for the  
753 child in the least restrictive environment and be consistent with the short-term and long-term goals  
754 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and  
755 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to  
756 be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,  
757 16.1-282.1, or 16.1-282.2.

758 "Residual parental rights and responsibilities" means all rights and responsibilities remaining with the  
759 parent after the transfer of legal custody or guardianship of the person, including but not limited to the  
760 right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility  
761 for support.

762 "Secure facility" or "detention home" means a local, regional or state public or private locked  
763 residential facility that has construction fixtures designed to prevent escape and to restrict the movement  
764 and activities of children held in lawful custody.

765 "Shelter care" means the temporary care of children in physically unrestricting facilities.

766 "State Board" means the State Board of Juvenile Justice.

767 "Status offender" means a child who commits an act prohibited by law which would not be criminal  
768 if committed by an adult.

769 "Status offense" means an act prohibited by law which would not be an offense if committed by an  
770 adult.

771 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of  
772 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

773 **§ 17.1-293. Posting and availability of certain information on the Internet; prohibitions.**

774 A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B, it ~~shall be~~ *is*  
775 unlawful for any court clerk to disclose the social security number or other identification numbers  
776 appearing on driver's licenses *or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title*  
777 *46.2 or the comparable law of another jurisdiction* or information on credit cards, debit cards, bank  
778 accounts, or other electronic billing and payment systems that was supplied to a court clerk for the  
779 purpose of paying fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall  
780 not apply where disclosure of such information is required (i) to conduct or complete the transaction for  
781 which such information was submitted or (ii) by other law or court order.

782 B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains  
783 the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth  
784 identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with  
785 a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor  
786 child.

787 C. Each such clerk shall post notice that includes a list of the documents routinely posted on its  
788 website. However, the clerk shall not post information on his website that includes private activity for

789 private financial gain.

790 D. Nothing in this section shall be construed to prohibit access to any original document as provided  
791 by law.

792 E. This section shall not apply to the following:

793 1. Providing access to any document among the land records via secure remote access pursuant to  
794 § 17.1-294;

795 2. Postings related to legitimate law-enforcement purposes;

796 3. Postings of historical, genealogical, interpretive, or educational documents and information about  
797 historic persons and events;

798 4. Postings of instruments and records filed or recorded that are more than 100 years old;

799 5. Providing secure remote access to any person, his counsel, or staff which counsel directly  
800 supervises to documents filed in matters to which such person is a party;

801 6. Providing official certificates and certified records in digital form of any document maintained by  
802 the clerk pursuant to § 17.1-258.3:2; and

803 7. Providing secure remote access to nonconfidential court records, subject to any fees charged by  
804 the clerk, to members in good standing with the Virginia State Bar and their authorized agents, pro hac  
805 vice attorneys authorized by the court for purposes of the practice of law, and such governmental  
806 agencies as authorized by the clerk.

807 F. Nothing in this section shall prohibit the Supreme Court or any other court clerk from providing  
808 online access to a case management system that may include abstracts of case filings and proceedings in  
809 the courts of the Commonwealth, including online access to subscribers of nonconfidential criminal case  
810 information to confirm the complete date of birth of a defendant.

811 G. The court clerk shall be immune from suit arising from any acts or omissions relating to  
812 providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or  
813 engaged in willful misconduct.

814 This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity  
815 already existing in statutory or common law, or to affect any cause of action accruing prior to July 1,  
816 2005.

817 H. Nothing in this section shall be construed to permit any data accessed by secure remote access to  
818 be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in  
819 his discretion, may deny secure remote access to ensure compliance with these provisions. However, the  
820 data accessed by secure remote access may be included in products or services provided to a third party  
821 of the subscriber provided that (i) such data is not made available to the general public and (ii) the  
822 subscriber maintains administrative, technical, and security safeguards to protect the confidentiality,  
823 integrity, and limited availability of the data.

824 **§ 18.2-6. Meaning of certain terms.**

825 As used in this title:

826 The word "court," unless otherwise clearly indicated by the context in which it appears, shall mean  
827 and include any court vested with appropriate jurisdiction under the Constitution and laws of ~~this~~ the  
828 Commonwealth.

829 *The words "driver's license" and "license to operate a motor vehicle" shall mean any document*  
830 *issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction,*  
831 *authorizing the operation of a motor vehicle upon the highways.*

832 The word "judge," unless otherwise clearly indicated by the context in which it appears, shall mean  
833 and include any judge, associate judge or substitute judge, or police justice, of any court.

834 The words "motor vehicle," "semitrailer," "trailer" and "vehicle" shall have the respective meanings  
835 assigned to them by § 46.2-100.

836 **§ 18.2-268.1. Chemical testing to determine alcohol or drug content of blood; definitions.**

837 As used in §§ 18.2-268.2 through 18.2-268.12, unless the context clearly indicates otherwise:

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

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

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

844 "Department" means the Department of Forensic Science.

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

846 "License" means any driver's license; ~~temporary driver's license, or instruction permit authorizing the~~  
847 ~~operation of a motor vehicle upon the highways as defined in § 18.2-6.~~

848 "Ordinance" means a county, city or town ordinance.

849 **§ 19.2-258.1. Trial of traffic infractions; measure of proof; failure to appear.**

850 For any traffic infraction cases tried in a district court, the court shall hear and determine the case  
 851 without the intervention of a jury. For any traffic infraction case appealed to a circuit court, the  
 852 defendant shall have the right to trial by jury. The defendant shall be presumed innocent until proven  
 853 guilty beyond a reasonable doubt.

854 When a person charged with a traffic infraction fails to enter a written or court appearance, he shall  
 855 be deemed to have waived court hearing and the case may be heard in his absence, after which he shall  
 856 be notified of the court's finding. He shall be advised that if he fails to comply with any order of the  
 857 court therein, the court may order suspension of his ~~driver's license~~ *driving privileges* as provided in  
 858 § 46.2-395 but the court shall not issue a warrant for his failure to appear pursuant to § 46.2-938.

859 **§ 20-60.3. Contents of support orders.**

860 All orders directing the payment of spousal support where there are minor children whom the parties  
 861 have a mutual duty to support and all orders directing the payment of child support, including those  
 862 orders confirming separation agreements, entered on or after October 1, 1985, whether they are original  
 863 orders or modifications of existing orders, shall contain the following:

864 1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or  
 865 § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to  
 866 file an application for services with the Department of Social Services; however, absence of such notice  
 867 in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to  
 868 § 20-79.1;

869 2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of  
 870 Title 63.2 without further amendments to the order upon application for services with the Department of  
 871 Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar  
 872 withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

873 3. The name, date of birth, and last four digits of the social security number of each child to whom a  
 874 duty of support is then owed by the parent;

875 4. If known, the name, date of birth, and last four digits of the social security number of each parent  
 876 of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address,  
 877 residential and employer telephone number, ~~driver's license~~ *and number appearing on a driver's license*  
 878 *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of*  
 879 *another jurisdiction*, and the name and address of ~~his or her~~ *each parent's* employer; however, when a  
 880 protective order has been issued or the court otherwise finds reason to believe that a party is at risk of  
 881 physical or emotional harm from the other party, information other than the name of the party at risk  
 882 shall not be included in the order;

883 5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of  
 884 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the  
 885 party seeking or receiving child support until such child reaches the age of 19 or graduates from high  
 886 school, whichever occurs first, and that the court may also order that support be paid or continue to be  
 887 paid for any child over the age of 18 who is (a) severely and permanently mentally or physically  
 888 disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the  
 889 child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support  
 890 himself; and (c) residing in the home of the parent seeking or receiving child support;

891 6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license,  
 892 certificate, registration or other authorization to engage in a profession, trade, business, occupation, or  
 893 recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a  
 894 delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall  
 895 indicate whether either or both parents currently hold such an authorization and, if so, the type of  
 896 authorization held;

897 7. The monthly amount of support and the effective date of the order. In proceedings on initial  
 898 petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the  
 899 effective date may be the date of notice to the responding party. The first monthly payment shall be due  
 900 on the first day of the month following the hearing date and on the first day of each month thereafter.  
 901 In addition, an amount shall be assessed for any full and partial months between the effective date of  
 902 the order and the date that the first monthly payment is due. The assessment for the initial partial month  
 903 shall be prorated from the effective date through the end of that month, based on the current monthly  
 904 obligation;

905 8. a. An order for health care coverage, including the health insurance policy information, for  
 906 dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in  
 907 § 63.2-1900, or a written statement that health care coverage is not available at a reasonable cost as  
 908 defined in such section, and a statement as to whether there is an order for health care coverage for a  
 909 spouse or former spouse; and

910 b. A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or

911 reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered,  
912 then the provisions governing how such payment is to be made;

913 9. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii)  
914 the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be  
915 credited to current support obligations first, with any payment in excess of the current obligation applied  
916 to arrearages;

917 10. If child support payments are ordered to be paid through the Department of Social Services or  
918 directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall  
919 give each other and the court and, when payments are to be made through the Department, the  
920 Department of Social Services at least 30 days' written notice, in advance, of any change of address and  
921 any change of telephone number within 30 days after the change;

922 11. If child support payments are ordered to be paid through the Department of Social Services, a  
923 provision requiring an obligor to keep the Department of Social Services informed of the name, address  
924 and telephone number of his current employer, or if payments are ordered to be paid directly to the  
925 obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone  
926 number of his current employer;

927 12. If child support payments are ordered to be paid through the Department of Social Services, a  
928 provision requiring the party obligated to provide health care coverage to keep the Department of Social  
929 Services informed of any changes in the availability of the health care coverage for the minor child or  
930 children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party  
931 obligated to provide health care coverage to keep the other party informed of any changes in the  
932 availability of the health care coverage for the minor child or children;

933 13. The separate amounts due to each person under the order, unless the court specifically orders a  
934 unitary award of child and spousal support due or the order affirms a separation agreement containing  
935 provision for such unitary award;

936 14. Notice that in determination of a support obligation, the support obligation as it becomes due and  
937 unpaid creates a judgment by operation of law. The order shall also provide, pursuant to § 20-78.2, for  
938 interest on the arrearage at the judgment rate as established by § 6.2-302 unless the obligee, in a writing  
939 submitted to the court, waives the collection of interest;

940 15. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to  
941 Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921,  
942 initiate a review of the amount of support ordered by any court;

943 16. A statement that if any arrearages for child support, including interest or fees, exist at the time  
944 the youngest child included in the order emancipates, payments shall continue in the total amount due  
945 (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages  
946 are paid; and

947 17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor  
948 Vehicles may suspend or refuse to renew the driver's license, *or other document issued under Chapter 3*  
949 *(§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways*, of any  
950 person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in  
951 the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply  
952 with a subpoena, summons, or warrant relating to paternity or child support proceedings.

953 The provisions of this section shall not apply to divorce decrees where there are no minor children  
954 whom the parties have a mutual duty to support.

955 **§ 20-107.1. Court may decree as to maintenance and support of spouses.**

956 A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a decree  
957 providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony  
958 or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance,  
959 the court may make such further decree as it shall deem expedient concerning the maintenance and  
960 support of the spouses, notwithstanding a party's failure to prove his grounds for divorce, provided that  
961 a claim for support has been properly pled by the party seeking support. However, the court shall have  
962 no authority to decree maintenance and support payable by the estate of a deceased spouse.

963 B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent  
964 maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground  
965 of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an  
966 award notwithstanding the existence of such ground if the court determines from clear and convincing  
967 evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the  
968 respective degrees of fault during the marriage and the relative economic circumstances of the parties.

969 C. The court, in its discretion, may decree that maintenance and support of a spouse be made in  
970 periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a  
971 lump sum award, or in any combination thereof.

972 D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of  
 973 a party to receive support in the future. In any case in which the right to support is so reserved, there  
 974 shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of  
 975 the length of time between the date of the marriage and the date of separation. Once granted, the  
 976 duration of such a reservation shall not be subject to modification.

977 E. The court, in determining whether to award support and maintenance for a spouse, shall consider  
 978 the circumstances and factors which contributed to the dissolution of the marriage, specifically including  
 979 adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or  
 980 § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court  
 981 shall consider the following:

982 1. The obligations, needs and financial resources of the parties, including but not limited to income  
 983 from all pension, profit sharing or retirement plans, of whatever nature;

984 2. The standard of living established during the marriage;

985 3. The duration of the marriage;

986 4. The age and physical and mental condition of the parties and any special circumstances of the  
 987 family;

988 5. The extent to which the age, physical or mental condition or special circumstances of any child of  
 989 the parties would make it appropriate that a party not seek employment outside of the home;

990 6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;

991 7. The property interests of the parties, both real and personal, tangible and intangible;

992 8. The provisions made with regard to the marital property under § 20-107.3;

993 9. The earning capacity, including the skills, education and training of the parties and the present  
 994 employment opportunities for persons possessing such earning capacity;

995 10. The opportunity for, ability of, and the time and costs involved for a party to acquire the  
 996 appropriate education, training and employment to obtain the skills needed to enhance his or her earning  
 997 ability;

998 11. The decisions regarding employment, career, economics, education and parenting arrangements  
 999 made by the parties during the marriage and their effect on present and future earning potential,  
 1000 including the length of time one or both of the parties have been absent from the job market;

1001 12. The extent to which either party has contributed to the attainment of education, training, career  
 1002 position or profession of the other party; and

1003 13. Such other factors, including the tax consequences to each party and the circumstances and  
 1004 factors that contributed to the dissolution, specifically including any ground for divorce, as are necessary  
 1005 to consider the equities between the parties.

1006 F. In contested cases in the circuit courts, any order granting, reserving or denying a request for  
 1007 spousal support shall be accompanied by written findings and conclusions of the court identifying the  
 1008 factors in subsection E which support the court's order. Any order granting or reserving any request for  
 1009 spousal support shall state whether the retirement of either party was contemplated by the court and  
 1010 specifically considered by the court in making its award, and, if so, the order shall state the facts the  
 1011 court contemplated and specifically considered as to the retirement of the party. If the court awards  
 1012 periodic support for a defined duration, such findings shall identify the basis for the nature, amount and  
 1013 duration of the award and, if appropriate, a specification of the events and circumstances reasonably  
 1014 contemplated by the court which support the award.

1015 G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which  
 1016 the parties are physically separated and at least one party intends such separation to be permanent  
 1017 provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a  
 1018 specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event  
 1019 or condition other than death or termination pursuant to § 20-110.

1020 H. Where there are no minor children whom the parties have a mutual duty to support, an order  
 1021 directing the payment of spousal support, including those orders confirming separation agreements,  
 1022 entered on or after October 1, 1985, whether they are original orders or modifications of existing orders,  
 1023 shall contain the following:

1024 1. If known, the name, date of birth, and social security number of each party and, unless otherwise  
 1025 ordered, each party's residential and, if different, mailing address, residential and employer telephone  
 1026 number, ~~driver's license~~ and number appearing on a driver's license or other document issued under  
 1027 Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, and the name  
 1028 and address of his each party's employer; however, when a protective order has been issued or the court  
 1029 otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other  
 1030 party, information other than the name of the party at risk shall not be included in the order;

1031 2. The amount of periodic spousal support expressed in fixed sums, together with the payment  
 1032 interval, the date payments are due, and the date the first payment is due;

- 1033 3. A statement as to whether there is an order for health care coverage for a party;
- 1034 4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii)
- 1035 the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be
- 1036 credited to current spousal support obligations first, with any payment in excess of the current obligation
- 1037 applied to arrearages;
- 1038 5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for
- 1039 good cause shown orders otherwise, the parties shall give each other and the court at least 30 days'
- 1040 written notice, in advance, of any change of address and any change of telephone number within 30
- 1041 days after the change; and
- 1042 6. Notice that in determination of a spousal support obligation, the support obligation as it becomes
- 1043 due and unpaid creates a judgment by operation of law.

1044 **§ 22.1-205. Driver education programs.**

1045 A. The Board of Education shall establish for the public school system a standardized program of

1046 driver education in the safe operation of motor vehicles. Such program shall consist of classroom

1047 training and behind-the-wheel driver training. However, any student who participates in such a program

1048 of driver education shall meet the academic requirements established by the Board, and no student in a

1049 course shall be permitted to operate a motor vehicle without a license or ~~permit to do so~~ other document

1050 issued by the Department of Motor Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the*

1051 *comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.*

1052 1. The driver education program shall include (i) instruction concerning (a) alcohol and drug abuse;

1053 (b) aggressive driving; (c) distracted driving; (d) motorcycle awareness; (e) organ and tissue donor

1054 awareness; (f) fuel-efficient driving practices; and (g) traffic stops, including law-enforcement procedures

1055 for traffic stops, appropriate actions to be taken by drivers during traffic stops, and appropriate

1056 interactions with law-enforcement officers who initiate traffic stops, and (ii) in Planning District 8, an

1057 additional minimum 90-minute parent/student driver education component. The additional parent/student

1058 driver education component may be provided to students outside Planning District 8, at the discretion of

1059 each local school board.

1060 2. The parent/student driver education component shall be administered as part of the classroom

1061 portion of the driver education curriculum. In Planning District 8, the parent/student driver education

1062 component shall be administered in-person. Outside Planning District 8, the parent/student driver

1063 education component may be administered either in-person or online by a public school or driver

1064 training schools that are licensed as computer-based driver education providers. For students in Planning

1065 District 8 and those students in school divisions that offer the parent/student component, the

1066 participation of the student's parent or guardian shall be required, and the program shall emphasize (i)

1067 parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving restrictions pursuant to

1068 the Code of Virginia, and (iii) the dangers of driving while intoxicated and underage consumption of

1069 alcohol. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol

1070 Safety Action Program, the Department of Health, and the Department of Behavioral Health and

1071 Developmental Services, as appropriate. Nothing in this subdivision precludes any school division

1072 outside Planning District 8 from including a program of parental involvement as part of a driver

1073 education program in addition to or as an alternative to the minimum 90-minute parent/student driver

1074 education component.

1075 3. Any driver education program shall require a minimum number of miles driven during the

1076 behind-the-wheel driver training.

1077 B. The Board shall assist school divisions by preparation, publication and distribution of competent

1078 driver education instructional materials to ensure a more complete understanding of the responsibilities

1079 and duties of motor vehicle operators.

1080 C. Each school board shall determine whether to offer the program of driver education in the safe

1081 operation of motor vehicles and, if offered, whether such program shall be an elective or a required

1082 course. In addition to the fee approved by the Board of Education pursuant to the appropriation act that

1083 allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of

1084 Education may authorize a local school board's request to assess a surcharge in order to further recover

1085 program costs that exceed state funds distributed through basic aid to school divisions offering driver

1086 education programs. Each school board may waive the fee or the surcharge in total or in part for those

1087 students it determines cannot pay the fee or surcharge. Only school divisions complying with the

1088 standardized program and regulations established by the Board of Education and the provisions of

1089 § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver

1090 education.

1091 School boards in Planning District 8 shall make the 90-minute parent/student driver education

1092 component available to all students and their parents or guardians who are in compliance with

1093 § 22.1-254.

1094 D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be  
 1095 required by regulation of the Board of Education, on private or public property removed from public  
 1096 highways if practicable; if impracticable, then, at the request of the school board, the Commissioner of  
 1097 Highways shall designate a suitable section of road near the school to be used for such instruction. Such  
 1098 section of road shall be marked with signs, which the Commissioner of Highways shall supply, giving  
 1099 notice of its use for driving instruction. Such signs shall be removed at the close of the instruction  
 1100 period. No vehicle other than those used for driver training shall be operated between such signs at a  
 1101 speed in excess of 25 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

1102 E. The Board of Education may, in its discretion, promulgate regulations for the use and certification  
 1103 of paraprofessionals as teaching assistants in the driver education programs of school divisions.

1104 F. The Board of Education shall approve correspondence courses for the classroom training  
 1105 component of driver education. These correspondence courses shall be consistent in quality with  
 1106 instructional programs developed by the Board for classroom training in the public schools. Students  
 1107 completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel  
 1108 driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of  
 1109 the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii)  
 1110 from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a  
 1111 home schooling parent or guardian instructing his own child who meets the requirements for home  
 1112 school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training  
 1113 course approved by the Board. Nothing herein shall be construed to require any school division to  
 1114 provide behind-the-wheel driver training to nonpublic school students.

1115 **§ 24.2-410.1. Citizenship status; Department of Motor Vehicles to furnish lists of noncitizens.**

1116 A. The Department of Motor Vehicles shall include on the application for a ~~driver's license,~~  
 1117 ~~commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit,~~  
 1118 ~~special identification card~~ *any document*, or renewal thereof, issued pursuant to the provisions of Chapter  
 1119 3 (§ 46.2-300 et seq.) of Title 46.2, as a predicate to offering a voter registration application pursuant to  
 1120 § 24.2-411.1, a statement asking the applicant if he is a United States citizen. If the applicant indicates a  
 1121 noncitizen status, the Department of Motor Vehicles shall not offer that applicant the opportunity to  
 1122 apply for voter registration. If the applicant indicates that he is a United States citizen and that he  
 1123 wishes to register to vote or change his voter registration address, the statement that he is a United  
 1124 States citizen shall become part of the voter registration application offered to the applicant. Information  
 1125 on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the  
 1126 provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

1127 B. Additionally, the Department of Motor Vehicles shall furnish monthly to the Department of  
 1128 Elections a complete list of all persons who have indicated a noncitizen status to the Department of  
 1129 Motor Vehicles in obtaining a ~~driver's license, commercial driver's license, temporary driver's permit,~~  
 1130 ~~learner's permit, motorcycle learner's permit, special identification card~~ *any document*, or renewal  
 1131 thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The  
 1132 Department of Elections shall transmit the information from the list to the appropriate general registrars.  
 1133 Information in the lists shall be confidential and available only for official use by the Department of  
 1134 Elections and general registrars.

1135 C. For the purposes of this section, the Department of Motor Vehicles is not responsible for  
 1136 verifying the claim of any applicant who indicates United States citizen status when applying for a  
 1137 ~~driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle~~  
 1138 ~~learner's permit, special identification card~~ *any document*, or renewal thereof, issued pursuant to the  
 1139 provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

1140 **§ 24.2-411.1. Offices of the Department of Motor Vehicles.**

1141 A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person  
 1142 who comes to an office of the Department of Motor Vehicles to:

1143 1. Apply for, replace, or renew a driver's license or *other document issued under Chapter 3*  
 1144 *(§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to*  
 1145 *§ 46.2-328.3; or*

1146 2. ~~Apply for, replace, or renew a special identification card; or~~

1147 3. ~~Change an address on an existing driver's license or special identification card~~ *other document*  
 1148 *issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued*  
 1149 *pursuant to § 46.2-328.3.*

1150 B. The method used to receive an application for voter registration shall avoid duplication of the  
 1151 license portion of the license application and require only the minimum additional information necessary  
 1152 to enable registrars to determine the voter eligibility of the applicant and to administer voter registration  
 1153 and election laws. A person who does not sign the registration portion of the application shall be  
 1154 deemed to have declined to register at that time. The voter application shall include a statement that, if

1155 an applicant declines to register to vote, the fact the applicant has declined to register will remain  
1156 confidential and will be used only for voter registration purposes.

1157 Each application form distributed under this section shall be accompanied by the following statement  
1158 featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A  
1159 MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION  
1160 FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY  
1161 BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR  
1162 FINED UP TO \$2,500."

1163 Any completed application for voter registration submitted by a person who is already registered  
1164 shall serve as a written request to update his registration record. Any change of address form submitted  
1165 for purposes of a motor vehicle driver's license or ~~special identification card~~ *other document issued*  
1166 *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2* shall serve as notification of change of address for  
1167 voter registration for the registrant involved unless the registrant states on the form that the change of  
1168 address is not for voter registration purposes. If the information from the notification of change of  
1169 address for voter registration indicates that the registered voter has moved to another general registrar's  
1170 jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the  
1171 registered voter. The notification and the registered voter's registration record shall be transmitted as  
1172 directed by the Department of Elections to the appropriate general registrar who shall send confirmation  
1173 documents of the transfer to the voter pursuant to § 24.2-424. The Department of Motor Vehicles and  
1174 Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the  
1175 notification to the appropriate general registrar.

1176 C. The completed voter registration portion of the application shall be transmitted as directed by the  
1177 Department of Elections not later than five business days after the date of receipt. The Department of  
1178 Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or  
1179 other means of the voter registration portion of the application to the appropriate general registrar.

1180 D. The Department of Elections shall maintain statistical records on the number of applications to  
1181 register to vote with information provided from the Department of Motor Vehicles.

1182 E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as  
1183 authorized by law for official use, the social security number, or any part thereof, of any applicant for  
1184 voter registration.

1185 F. The Department of Motor Vehicles shall provide assistance as required in providing voter photo  
1186 identification cards as provided in subdivision A 3 of § 24.2-404.

1187 **§ 24.2-416.7. Application for voter registration by electronic means.**

1188 A. Notwithstanding any other provision of law, a person who is qualified to register to vote may  
1189 apply to register to vote by electronic means as authorized by the State Board by completing an  
1190 electronic registration application.

1191 B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of  
1192 §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence  
1193 within the Commonwealth by electronic means as authorized by the State Board by completing an  
1194 electronic registration application.

1195 C. An electronic registration application completed pursuant to this article shall require that an  
1196 applicant:

1197 1. Provide the information as required under § 24.2-418;

1198 2. Have a Virginia driver's license or ~~special identification card~~ *other document* issued by the  
1199 Department of Motor Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2*;

1200 3. Provide a social security number and Department of Motor Vehicles customer identifier number  
1201 that matches the applicant's record in the Department of Motor Vehicles records;

1202 4. Attest to the truth of the information provided;

1203 5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act  
1204 (§ 59.1-479 et seq.); and

1205 6. Affirmatively authorize the Department of Elections and general registrar to use the applicant's  
1206 signature obtained by the Department of Motor Vehicles for voter registration purposes.

1207 D. In order for an individual to complete a transaction under this article, the general registrar shall  
1208 verify that the Department of Motor Vehicles customer identifier number, date of birth, and social  
1209 security number provided by the applicant match the information contained in the Department of Motor  
1210 Vehicles records.

1211 E. The Department of Motor Vehicles shall provide to the Department of Elections a digital copy of  
1212 the applicant's signature on record with the Department of Motor Vehicles.

1213 F. The Department of Elections shall transmit to the general registrar an applicant's completed voter  
1214 registration application and digital signature not later than five business days after the date of receipt.

1215 G. Each transaction taking place under this section shall be accompanied by the following statement

1216 featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A  
 1217 MATERIALLY FALSE STATEMENT DURING THIS TRANSACTION CONSTITUTES THE CRIME  
 1218 OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY.  
 1219 VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS  
 1220 IN JAIL AND/OR FINED UP TO \$2,500."

1221 H. The Department of Elections may use additional security measures approved by the State Board to  
 1222 ensure the accuracy and integrity of registration transactions performed under this article.

1223 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

1224 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers  
 1225 of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the  
 1226 voting booth and furnishing an official ballot to him.

1227 B. An officer of election shall ask the voter for his full name and current residence address and the  
 1228 voter may give such information orally or in writing. The officer of election shall repeat, in a voice  
 1229 audible to party and candidate representatives present, the full name and address provided by the voter.  
 1230 The officer shall ask the voter to present any one of the following forms of identification: his valid  
 1231 Virginia driver's license, his valid United States passport, or any other photo identification issued by the  
 1232 Commonwealth, one of its political subdivisions, or the United States, *other than a driver privilege card*  
 1233 *issued under § 46.2-328.3*; any valid student identification card containing a photograph of the voter and  
 1234 issued by any institution of higher education located in the Commonwealth or any private school located  
 1235 in the Commonwealth; or any valid employee identification card containing a photograph of the voter  
 1236 and issued by an employer of the voter in the ordinary course of the employer's business.

1237 Any voter who does not show one of the forms of identification specified in this subsection shall be  
 1238 offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall  
 1239 provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or  
 1240 electoral board other than matching submitted identification documents from the voter for the electoral  
 1241 board to make a determination on whether to count the ballot.

1242 If the voter presents one of the forms of identification listed above, if his name is found on the  
 1243 pollbook in a form identical to or substantially similar to the name on the presented form of  
 1244 identification and the name provided by the voter, if he is qualified to vote in the election, and if no  
 1245 objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next  
 1246 consecutive number from the voter count form provided by the State Board, or shall enter that the voter  
 1247 has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot;  
 1248 and another officer shall admit him to the voting booth. Each voter whose name has been marked on the  
 1249 pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of  
 1250 election in the polling place until he has voted. If a line of voters who have been marked on the  
 1251 pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to  
 1252 extend outside of the room containing the voting booths and shall remain under observation by the  
 1253 officers of election.

1254 A voter may be accompanied into the voting booth by his child age 15 or younger.

1255 C. If the current residence address provided by the voter is different from the address shown on the  
 1256 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the  
 1257 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties  
 1258 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an  
 1259 envelope provided for such forms for transmission to the general registrar who shall then transfer or  
 1260 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

1261 D. At the time the voter is asked his full name and current residence address, the officer of election  
 1262 shall ask any voter for whom the pollbook indicates that an identification number other than a social  
 1263 security number is recorded on the Virginia voter registration system if he presently has a social security  
 1264 number. If the voter is able to provide his social security number, he shall be furnished with a voter  
 1265 registration form prescribed by the State Board to update his registration information. Upon its  
 1266 completion, the form shall be placed by the officer of election in an envelope provided for such forms  
 1267 for transmission to the general registrar. Any social security numbers so provided shall be entered by the  
 1268 general registrar in the voter's record on the voter registration system.

1269 **§ 32.1-291.2. Definitions.**

1270 As used in this Act, unless the context requires otherwise:

1271 "Adult" means an individual who is at least 18 years of age.

1272 "Agent" means an individual:

1273 1. Authorized to make health-care decisions on the principal's behalf by a power of attorney for  
 1274 health care; or

1275 2. Expressly authorized to make an anatomical gift on the principal's behalf by any other record  
 1276 signed by the principal.

- 1277 "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's  
 1278 death for the purpose of transplantation, therapy, research, or education.
- 1279 "Decedent" means a deceased individual whose body or part is or may be the source of an  
 1280 anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other  
 1281 than this Act, a fetus.
- 1282 "Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild,  
 1283 grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an  
 1284 anatomical gift, or another adult who exhibited special care and concern for the individual. The term  
 1285 does not include a person to whom an anatomical gift could pass under § 32.1-291.11.
- 1286 "Document of gift" means a donor card or other record used to make an anatomical gift. The term  
 1287 includes a statement or symbol on a driver's license, identification card, or donor registry.
- 1288 "Donor" means an individual whose body or part is the subject of an anatomical gift.
- 1289 "Donor registry" means a database that contains records of anatomical gifts.
- 1290 "Driver's license" means a license or ~~permit~~ *other document* issued by the Virginia Department of  
 1291 Motor Vehicles ~~to operate under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation~~  
 1292 *of a motor vehicle upon the highways, whether or not conditions are attached to the license or permit*  
 1293 *other document.*
- 1294 "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to  
 1295 engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions  
 1296 of human eyes and that is a member of the Virginia Transplant Council, accredited by the Eye Bank  
 1297 Association of America or the American Association of Tissue Banks and operating in the  
 1298 Commonwealth of Virginia.
- 1299 "Guardian" means a person appointed by a court to make decisions regarding the support, care,  
 1300 education, health, or welfare of an individual. The term does not include a guardian ad litem, except  
 1301 when the guardian ad litem is authorized by a court to consent to donation.
- 1302 "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as  
 1303 a hospital by the United States, a state, or a subdivision of a state.
- 1304 "Identification card" means an identification card issued by the Virginia Department of Motor  
 1305 Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.*
- 1306 "Know" means to have actual knowledge.
- 1307 "Minor" means an individual who is under 18 years of age.
- 1308 "Organ procurement organization" means a person designated by the Secretary of the United States  
 1309 Department of Health and Human Services as an organ procurement organization that is also a member  
 1310 of the Virginia Transplant Council.
- 1311 "Parent" means a parent whose parental rights have not been terminated.
- 1312 "Part" means an organ, an eye, or tissue of a human being. The term does not include the whole  
 1313 body.
- 1314 "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability  
 1315 company, association, joint venture, public corporation, government or governmental subdivision,  
 1316 agency, or instrumentality, or any other legal or commercial entity.
- 1317 "Physician" means an individual authorized to practice medicine or osteopathy under the law of any  
 1318 state.
- 1319 "Procurement organization" means an eye bank, organ procurement organization, or tissue bank that  
 1320 is a member of the Virginia Transplant Council.
- 1321 "Prospective donor" means an individual who is dead or whose death is imminent and has been  
 1322 determined by a procurement organization to have a part that could be medically suitable for  
 1323 transplantation, therapy, research, or education. The term does not include an individual who has made a  
 1324 refusal.
- 1325 "Reasonably available" means able to be contacted by a procurement organization without undue  
 1326 effort and willing and able to act in a timely manner consistent with existing medical criteria necessary  
 1327 for the making of an anatomical gift.
- 1328 "Recipient" means an individual into whose body a decedent's part has been or is intended to be  
 1329 transplanted.
- 1330 "Record" means information that is inscribed on a tangible medium or that is stored in an electronic  
 1331 or other medium and is retrievable in perceivable form.
- 1332 "Refusal" means a record created under § 32.1-291.7 that expressly states an intent to bar other  
 1333 persons from making an anatomical gift of an individual's body or part.
- 1334 "Sign" means, with the present intent to authenticate or adopt a record:  
 1335 1. To execute or adopt a tangible symbol; or  
 1336 2. To attach to or logically associate with the record an electronic symbol, sound, or process.
- 1337 "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States

- 1338 Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- 1339 "Technician" means an individual determined to be qualified to remove or process parts by an  
 1340 appropriate organization that is licensed, accredited, or regulated under federal or state law. The term  
 1341 includes an enucleator.
- 1342 "Tissue" means a portion of the human body other than an organ or an eye. The term does not  
 1343 include blood unless the blood is donated for the purpose of research or education.
- 1344 "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to  
 1345 engage in the recovery, screening, testing, processing, storage, or distribution of tissue and that is a  
 1346 member of the Virginia Transplant Council, accredited by the American Association of Tissue Banks,  
 1347 and operating in the Commonwealth of Virginia.
- 1348 "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical  
 1349 specialty services required for the care of transplant patients.
- 1350 **§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**
- 1351 A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the  
 1352 following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth  
 1353 without the payment of toll while in the performance of their official duties:
- 1354 1. The Commissioner of Highways;
  - 1355 2. Members of the Commonwealth Transportation Board;
  - 1356 3. Employees of the Department of Transportation;
  - 1357 4. The Superintendent of the Department of State Police;
  - 1358 5. Officers and employees of the Department of State Police;
  - 1359 6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
  - 1360 7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control  
 1361 Authority and special agents of the Virginia Alcoholic Beverage Control Authority;
  - 1362 8. The Commissioner of the Department of Motor Vehicles;
  - 1363 9. Employees of the Department of Motor Vehicles;
  - 1364 10. Local police officers;
  - 1365 11. Sheriffs and their deputies;
  - 1366 12. Regional jail officials;
  - 1367 13. Animal wardens;
  - 1368 14. The Director and officers of the Department of Game and Inland Fisheries;
  - 1369 15. Persons operating firefighting equipment and emergency medical services vehicles as defined in  
 1370 § 32.1-111.1;
  - 1371 16. Operators of school buses being used to transport pupils to or from schools;
  - 1372 17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the  
 1373 driver, and used to regularly transport workers to and from their places of employment and (ii) public  
 1374 transit buses;
  - 1375 18. Employees of the Department of Rail and Public Transportation;
  - 1376 19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation  
 1377 Act of 1988; and
  - 1378 20. Law-enforcement officers of the Virginia Marine Resources Commission.
- 1379 B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free  
 1380 use of such facilities, in cases of emergency and circumstances of concern for public safety on the  
 1381 highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual  
 1382 or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of  
 1383 the toll facility by permitting the temporary suspension of toll collection operations on its facilities.
- 1384 1. The assessment of the threat to public safety shall be performed and the decision temporarily to  
 1385 suspend toll collection operations shall be made by the Commissioner of Highways or his designee.
  - 1386 2. Major incidents that may require the temporary suspension of toll collection operations shall  
 1387 include (i) natural disasters, such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of  
 1388 hazardous materials, such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions;  
 1389 and (iv) other incidents deemed to present a risk to public safety. Any mandatory evacuation during a  
 1390 state of emergency as defined in § 44-146.16 shall require the temporary suspension of toll collection  
 1391 operations in affected evacuation zones on routes designated as mass evacuation routes. The  
 1392 Commissioner of Highways shall reinstate toll collection when the mandatory evacuation period ends.
  - 1393 3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable  
 1394 for any incident resulting in the suspension of toll collections as provided in this subsection, the court  
 1395 may assess against the person an amount equal to lost toll revenue as a part of the costs of the  
 1396 proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the  
 1397 Department of Transportation for deposit into the toll road fund.
  - 1398 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll

1399 bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a  
 1400 misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than  
 1401 those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll  
 1402 ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

1403 D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or  
 1404 any other state or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the  
 1405 comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways  
 1406 shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

1407 1. The vehicle is specially equipped to permit its operation by a handicapped person;

1408 2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth  
 1409 or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being  
 1410 severely physically disabled and having permanent upper limb mobility or dexterity impairments that  
 1411 substantially impair his ability to deposit coins in toll baskets;

1412 3. The driver has applied for and received from the Department of Transportation a vehicle window  
 1413 sticker identifying him as eligible for such free passage; and

1414 4. Such identifying window sticker is properly displayed on the vehicle.

1415 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the  
 1416 Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by  
 1417 those persons exempted from tolls pursuant to this subsection and shall accept any payments made by  
 1418 such persons.

1419 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the  
 1420 provisions of § 22.1-187.

1421 F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use  
 1422 the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or  
 1423 facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation  
 1424 Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the  
 1425 conduct of official business:

1426 1. The Commissioner of Highways;

1427 2. Members of the Commonwealth Transportation Board;

1428 3. Employees of the Department of Transportation;

1429 4. The Superintendent of the Department of State Police;

1430 5. Officers and employees of the Department of State Police;

1431 6. The Commissioner of the Department of Motor Vehicles;

1432 7. Employees of the Department of Motor Vehicles; and

1433 8. Sheriffs and deputy sheriffs.

1434 However, in the event of a mandatory evacuation and suspension of tolls pursuant to subdivision B  
 1435 2, the Commissioner of Highways or his designee shall order the temporary suspension of toll collection  
 1436 operations on facilities of all operators authorized to operate a toll facility pursuant to the Public-Private  
 1437 Transportation Act of 1995 (§ 33.2-1800 et seq.) that has been designated as a mass evacuation route in  
 1438 affected evacuation zones, to the extent such order is necessary to facilitate evacuation and is consistent  
 1439 with the terms of the applicable comprehensive agreement between the operator and the Department.  
 1440 The Commissioner of Highways shall authorize the reinstatement of toll collections suspended pursuant  
 1441 to this subsection when the mandatory evacuation period ends or upon the reinstatement of toll  
 1442 collections on other tolled facilities in the same affected area, whichever occurs first.

1443 G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in  
 1444 Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements  
 1445 of subdivisions D 1 through 4.

1446 H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of  
 1447 the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of  
 1448 subdivision B 1 of § 56-543, such vehicles shall not be permitted toll-free use of a roadway as defined  
 1449 pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

1450 **§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle**  
 1451 **insurance policies; review by Commissioner.**

1452 A. The following definitions shall apply to this section:

1453 "Cancellation" or "to cancel" means a termination of a policy during the policy period.

1454 "Insurer" means any insurance company, association, or exchange licensed to transact motor vehicle  
 1455 insurance in this Commonwealth.

1456 "Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or  
 1457 property damage liability insurance issued or delivered in this Commonwealth covering liability arising  
 1458 from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one  
 1459 individual or husband and wife who are residents of the same household, and under which the insured

1460 vehicle designated in the policy is either:

1461 a. A motor vehicle of a private passenger, station wagon, or motorcycle type that is not used  
1462 commercially, rented to others, or used as a public or livery conveyance where the term "public or  
1463 livery conveyance" does not include car pools, or

1464 b. Any other four-wheel motor vehicle which is not used in the occupation, profession, or business,  
1465 other than farming, of the insured, or as a public or livery conveyance, or rented to others. The term  
1466 "policy of motor vehicle insurance" or "policy" does not include (i) any policy issued through the  
1467 Virginia Automobile Insurance Plan, (ii) any policy covering the operation of a garage, sales agency,  
1468 repair shop, service station, or public parking place, (iii) any policy providing insurance only on an  
1469 excess basis, or (iv) any other contract providing insurance to the named insured even though the  
1470 contract may incidentally provide insurance on motor vehicles.

1471 "Renewal" or "to renew" means (i) the issuance and delivery by an insurer of a policy superseding at  
1472 the end of the policy period a policy previously issued and delivered by the same insurer, providing  
1473 types and limits of coverage at least equal to those contained in the policy being superseded, or (ii) the  
1474 issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period  
1475 or term with types and limits of coverage at least equal to those contained in the policy. Each renewal  
1476 shall conform with the requirements of the manual rules and rating program currently filed by the  
1477 insurer with the Commission. Except as provided in subsection K, any policy with a policy period or  
1478 term of less than 12 months or any policy with no fixed expiration date shall for the purpose of this  
1479 section be considered as if written for successive policy periods or terms of six months from the original  
1480 effective date.

1481 B. This section shall apply only to that portion of a policy of motor vehicle insurance providing the  
1482 coverage required by §§ 38.2-2204, 38.2-2205, and 38.2-2206.

1483 C. 1. No insurer shall refuse to renew a motor vehicle insurance policy solely because of any one or  
1484 more of the following factors:

1485 a. Age;

1486 b. Sex;

1487 c. Residence;

1488 d. Race;

1489 e. Color;

1490 f. Creed;

1491 g. National origin;

1492 h. Ancestry;

1493 i. Marital status;

1494 j. Lawful occupation, including the military service;

1495 k. Lack of driving experience, or number of years driving experience;

1496 l. Lack of supporting business or lack of the potential for acquiring such business;

1497 m. One or more accidents or violations that occurred more than 48 months immediately preceding  
1498 the upcoming anniversary date;

1499 n. One or more claims submitted under the uninsured motorists coverage of the policy where the  
1500 uninsured motorist is known or there is physical evidence of contact;

1501 o. A single claim by a single insured submitted under the medical expense coverage due to an  
1502 accident for which the insured was neither wholly nor partially at fault;

1503 p. One or more claims submitted under the comprehensive or towing coverages. However, nothing in  
1504 this section shall prohibit an insurer from modifying or refusing to renew the comprehensive or towing  
1505 coverages at the time of renewal of the policy on the basis of one or more claims submitted by an  
1506 insured under those coverages, provided that the insurer shall mail or deliver to the insured at the  
1507 address shown in the policy, or deliver electronically to the address provided by the named insured,  
1508 written notice of any such change in coverage at least 45 days prior to the renewal;

1509 q. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused  
1510 either wholly or partially by the named insured, a resident of the same household, or other customary  
1511 operator;

1512 r. Credit information contained in a "consumer report," as defined in the federal Fair Credit  
1513 Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing  
1514 or credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit  
1515 information shall be based on a consumer report procured within 120 days from the effective date of the  
1516 nonrenewal. The provisions of this subdivision shall apply only to insurance purchased primarily for  
1517 personal, family, or household purposes;

1518 s. The refusal of a motor vehicle owner as defined in § 46.2-1088.6 to provide access to recorded  
1519 data from a recording device as defined in § 46.2-1088.6; or

1520 t. The status of the person as a foster care provider or a person in foster care.

1521 2. Nothing in this section shall require any insurer to renew a policy for an insured where the  
 1522 insured's occupation has changed so as to materially increase the risk. Nothing contained in subdivisions  
 1523 1 n, o, and p shall prohibit an insurer from refusing to renew a policy where a claim is false or  
 1524 fraudulent. Nothing in this section prohibits any insurer from setting rates in accordance with relevant  
 1525 actuarial data.

1526 D. No insurer shall cancel a policy except for one or more of the following reasons:

1527 1. The named insured or any other operator who either resides in the same household or customarily  
 1528 operates a motor vehicle insured under the policy has had his ~~driver's license~~ *driving privileges*  
 1529 suspended or revoked during the policy period or, if the policy is a renewal, during its policy period or  
 1530 the 90 days immediately preceding the last effective date.

1531 2. The named insured fails to pay the premium for the policy or any installment of the premium,  
 1532 whether payable to the insurer or its agent either directly or indirectly under any premium finance plan  
 1533 or extension of credit.

1534 3. The named insured or his duly constituted attorney-in-fact has notified the insurer of a change in  
 1535 the insured's legal residence to a state other than Virginia and the insured vehicle will be principally  
 1536 garaged in the new state of legal residence.

1537 E. No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall be  
 1538 effective unless the insurer delivers or mails to the named insured at the address shown in the policy a  
 1539 written notice of the cancellation or refusal to renew, or the insurer delivers such notice electronically to  
 1540 the address provided by the named insured. The notice shall:

1541 1. Be in a type size authorized under § 38.2-311.

1542 2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation  
 1543 or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of  
 1544 cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed  
 1545 for the reason set forth in subdivision D 2 the effective date may be less than 45 days but at least 15  
 1546 days from the date of mailing or delivery.

1547 3. State the specific reason of the insurer for cancellation or refusal to renew and provide for the  
 1548 notification required by §§ 38.2-608, 38.2-609, and subsection B of § 38.2-610. However, those  
 1549 notification requirements shall not apply when the policy is being canceled or not renewed for the  
 1550 reason set forth in subdivision D 2.

1551 4. Inform the insured of his right to request in writing within 15 days of the receipt of the notice that  
 1552 the Commissioner review the action of the insurer.

1553 The notice of cancellation or refusal to renew shall contain the following statement to inform the  
 1554 insured of such right:

1555 **IMPORTANT NOTICE**

1556 Within 15 days of receiving this notice, you or your attorney may request in writing that the  
 1557 Commissioner of Insurance review this action to determine whether the insurer has complied with  
 1558 Virginia laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the  
 1559 cancellation or nonrenewal laws, the Commissioner may require that your policy be reinstated. However,  
 1560 the Commissioner is prohibited from making underwriting judgments. If this insurer has complied with  
 1561 the cancellation or nonrenewal laws, the Commissioner does not have the authority to overturn this  
 1562 action.

1563 5. Inform the insured of the possible availability of other insurance which may be obtained through  
 1564 his agent, through another insurer, or through the Virginia Automobile Insurance Plan.

1565 6. If sent by mail or delivered electronically, comply with the provisions of § 38.2-2208.

1566 Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation  
 1567 or refusal to renew, any additional disclosure statements required by state or federal laws, or any  
 1568 additional information relating to the availability of other insurance.

1569 F. Nothing in this section shall apply:

1570 1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew  
 1571 by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has  
 1572 manifested its willingness to renew in writing to the insured. The written manifestation shall include the  
 1573 name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and  
 1574 information regarding the estimated renewal premium. The insurer shall retain a copy of each written  
 1575 manifestation for a period of at least one year from the expiration date of any policy that is not  
 1576 renewed;

1577 2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent  
 1578 orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy  
 1579 to be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he  
 1580 fails to accept the offer of the insurer to renew the policy;

1581 3. To any motor vehicle insurance policy which has been in effect less than 60 days when the

1582 termination notice is mailed or delivered to the insured, unless it is a renewal policy; or  
 1583 4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than  
 1584 would have been charged for the same exposures on the expiring policy. The affiliated insurer shall  
 1585 manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at  
 1586 least equal to those contained in the expiring policy unless the named insured has requested a change in  
 1587 coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be  
 1588 required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be  
 1589 deemed to be a renewal policy.

1590 G. There shall be no liability on the part of and no cause of action of any nature shall arise against  
 1591 the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its  
 1592 employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal  
 1593 to renew, for any statement made by any of them in complying with this section or for providing  
 1594 information pertaining to the cancellation or refusal to renew. For the purposes of this section, no  
 1595 insurer shall be required to furnish a notice of cancellation or refusal to renew to anyone other than the  
 1596 named insured, any person designated by the named insured, or any other person to whom such notice  
 1597 is required to be given by the terms of the policy and the Commissioner.

1598 H. Within 15 days of receipt of the notice of cancellation or refusal to renew, any insured or his  
 1599 attorney shall be entitled to request in writing to the Commissioner that he review the action of the  
 1600 insurer in canceling or refusing to renew the policy of the insured. Upon receipt of the request, the  
 1601 Commissioner shall promptly begin a review to determine whether the insurer's cancellation or refusal to  
 1602 renew complies with the requirements of this section and of § 38.2-2208 if the notice was sent by mail  
 1603 or delivered electronically. The policy shall remain in full force and effect during the pendency of the  
 1604 review by the Commissioner except where the cancellation or refusal to renew is for the reason set forth  
 1605 in subdivision D 2, in which case the policy shall terminate as of the effective date stated in the notice.  
 1606 Where the Commissioner finds from the review that the cancellation or refusal to renew has not  
 1607 complied with the requirements of this section or of § 38.2-2208, he shall immediately notify the  
 1608 insurer, the insured and any other person to whom such notice was required to be given by the terms of  
 1609 the policy that the cancellation or refusal to renew is not effective. Nothing in this section authorizes the  
 1610 Commissioner to substitute his judgment as to underwriting for that of the insurer. Where the  
 1611 Commissioner finds in favor of the insured, the Commission in its discretion may award the insured  
 1612 reasonable attorneys' fees.

1613 I. Each insurer shall maintain for at least one year, records of cancellation and refusal to renew and  
 1614 copies of every notice or statement referred to in subsection E that it sends to any of its insureds.

1615 J. The provisions of this section shall not apply to any insurer that limits the issuance of policies of  
 1616 motor vehicle liability insurance to one class or group of persons engaged in any one particular  
 1617 profession, trade, occupation, or business. Nothing in this section requires an insurer to renew a policy  
 1618 of motor vehicle insurance if the insured does not conform to the occupational or membership  
 1619 requirements of an insurer who limits its writings to an occupation or membership of an organization.  
 1620 No insurer is required to renew a policy if the insured becomes a nonresident of Virginia.

1621 K. Notwithstanding any other provision of this section, a motor vehicle insurance policy with a  
 1622 policy period or term of five months or less may expire at its expiration date when the insurer has  
 1623 manifested in writing its willingness to renew the policy for at least 30 days and has mailed or delivered  
 1624 the written manifestation to the insured at least 15 days before the expiration date of the policy. The  
 1625 written manifestation shall include the name of the proposed insurer, the expiration date of the policy,  
 1626 the type of insurance coverage, and the estimated renewal premium. The insurer shall retain a copy of  
 1627 the written manifestation for at least one year from the expiration date of any policy that is not renewed.

1628 **§ 46.2-328.1. Licenses, permits, and special identification cards to be issued only to United**  
 1629 **States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas;**  
 1630 **exceptions; renewal, duplication, or reissuance.**

1631 A. Notwithstanding any other provision of this title, except as provided in subsection G of  
 1632 § 46.2-345, the Department shall not issue an original license, permit, or special identification card to  
 1633 any applicant who has not presented to the Department, with the application, valid documentary  
 1634 evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of  
 1635 the United States, ~~or~~ (iii) a conditional resident alien of the United States, (iv) *an approved applicant for*  
 1636 *asylum in the United States*, (v) *an entrant into the United States in refugee status*, or (vi) *a citizen of*  
 1637 *the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands,*  
 1638 *collectively known as the Freely Associated States.*

1639 B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345,  
 1640 an applicant who presents in person valid documentary evidence of ~~(i) a valid, unexpired nonimmigrant~~  
 1641 ~~visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application~~  
 1642 ~~for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or~~

1643 approved application for temporary protected status in the United States, (v) approved deferred action  
 1644 status, or (vi) a pending application for adjustment of status to legal permanent residence status or  
 1645 conditional resident status, that a federal court or federal agency having jurisdiction over immigration  
 1646 has authorized the applicant to be in the United States or an applicant for a REAL ID credential who  
 1647 provides evidence of temporary lawful status in the United States as required pursuant to the REAL ID  
 1648 Act of 2005, as amended, and its implementing regulations may be issued a temporary limited-duration  
 1649 license, permit, or special identification card. Such temporary limited-duration license, permit, or special  
 1650 identification card shall be valid only during the period of time of the applicant's authorized stay in the  
 1651 United States or if there is no definite end to the period of authorized stay a period of one year. No  
 1652 license, permit, or special identification card shall be issued if an applicant's authorized stay in the  
 1653 United States is less than 30 days from the date of application. Any temporary limited-duration license,  
 1654 permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is  
 1655 temporary valid for a limited period and shall state the date that it expires. Such a temporary  
 1656 limited-duration license, permit, or special identification card may be renewed only upon presentation of  
 1657 valid documentary evidence that the status by which the applicant qualified for the temporary  
 1658 limited-duration license, permit, or special identification has been extended by the United States  
 1659 Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the  
 1660 Department of Homeland Security a federal court or federal agency having jurisdiction over  
 1661 immigration.

1662 C. Any license, permit, or special identification card for which an application has been made for  
 1663 renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the  
 1664 provisions of subsection A, provided that, at the time the application is made, (i) the license, permit, or  
 1665 special identification card has not expired or been cancelled, suspended, or revoked or (ii) the license,  
 1666 permit, or special identification card has been canceled or suspended as a result of the applicant having  
 1667 been placed under medical review by the Department pursuant to § 46.2-322. The requirements of  
 1668 subsection A shall apply, however, to a renewal, duplication, or reissuance if the Department is notified  
 1669 by a local, state, or federal government agency that the individual seeking such renewal, duplication, or  
 1670 reissuance is neither a citizen of the United States nor legally in the United States.

1671 D. The Department shall cancel any license, permit, or special identification card that it has issued to  
 1672 an individual if it is notified by a federal government agency that the individual is neither a citizen of  
 1673 the United States nor legally present in the United States.

1674 E. For any applicant who presents a document pursuant to this section proving legal presence other  
 1675 than citizenship, the Department shall record and provide to the State Board of Elections monthly the  
 1676 applicant's document number, if any, issued by an agency or court of the United States government.

1677 **§ 46.2-328.3. Driver privilege cards and permits.**

1678 A. Upon application of any person who does not meet the requirements for a driver's license or  
 1679 permit under subsection A or B of § 46.2-328.1, the Department may issue to the applicant a driver  
 1680 privilege card or permit if the Department determines that the applicant (i) has reported income and  
 1681 deductions from Virginia sources, as defined in § 58.1-302, or been claimed as a dependent, on an  
 1682 individual income tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in  
 1683 violation of the insurance requirements set forth in Article 8 (§ 46.2-705 et seq.) of Chapter 6.

1684 B. Driver privilege cards and permits shall confer the same privileges and shall be subject to the  
 1685 same provisions of this title as driver's licenses and permits issued under this chapter, unless otherwise  
 1686 provided, and shall be subject to the following conditions and exceptions:

1687 1. The front of a driver privilege card or permit shall be identical in appearance to a driver's license  
 1688 or permit that is not a REAL ID credential and the back of the card or permit shall be identical in  
 1689 appearance to the restriction on the back of a limited-duration license, permit, or special identification  
 1690 card;

1691 2. An applicant for a driver privilege card or permit shall not be eligible for a waiver of any part of  
 1692 the driver examination provided under § 46.2-325;

1693 3. An applicant for a driver privilege card or permit shall not be required to present proof of legal  
 1694 presence in the United States;

1695 4. A driver privilege card or permit shall expire on the applicant's second birthday following the  
 1696 date of issuance;

1697 5. The fee for an original driver privilege card or permit shall be \$50. The Department may issue,  
 1698 upon application by the holder of a valid, unexpired card or permit issued under this section, and upon  
 1699 payment of a fee of \$50, another driver privilege card or permit that shall be valid for a period of two  
 1700 years from the date of issuance. The amount paid by an applicant for a driver privilege card or other  
 1701 document issued pursuant to this chapter shall be considered privileged information for the purposes of  
 1702 § 46.2-208. No applicant shall be required to provide proof of compliance with clauses (i) and (ii) of  
 1703 subsection A for a reissued, renewed, or duplicate card or permit; and

1704 6. Any information collected pursuant to this section that is not otherwise collected by the  
 1705 Department or required for the issuance of any other driving credential issued pursuant to the  
 1706 provisions of this chapter and any information regarding restrictions in the Department's records related  
 1707 to the issuance of a credential issued pursuant to this section shall be considered privileged.  
 1708 Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request  
 1709 by the subject of the information, the parent of a minor who is the subject of the information, the  
 1710 guardian of the subject of the information, or the authorized representative of the subject of the  
 1711 information, or pursuant to a court order.

1712 C. The Department shall not release the following information relating to the issuance of a driver  
 1713 privilege card or permit, except upon request by the subject of the information, the parent of a minor  
 1714 who is the subject of the information, the guardian of the subject of the information, or the authorized  
 1715 representative of the subject of the information, or pursuant to a court order, (i) proof documents  
 1716 submitted for the purpose of obtaining a driver privilege card or permit, (ii) the information in the  
 1717 Department's records indicating the type of proof documentation that was provided, or (iii) applications.

1718 The Department shall release to any federal, state, or local governmental entity, local government  
 1719 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the  
 1720 authorized agent of any of the foregoing, information related to the issuance of a driver privilege card  
 1721 or permit, the release of which is not otherwise prohibited by this section, that is required for a  
 1722 requester to carry out the requester's official functions if the requester provides the individual's name  
 1723 and other sufficient identifying information contained on the individual's record. If the requester has  
 1724 entered into an agreement with the Department, such agreement shall be in a manner prescribed by the  
 1725 Department and such agreement shall contain the legal authority that authorizes the performance of the  
 1726 requester's official functions and a description of how such information will be used to carry out such  
 1727 official functions. If the Commissioner determines that sufficient authority has not been provided by the  
 1728 requester to show that the purpose for which such information shall be used is one of the requester's  
 1729 official functions, the Commissioner shall refuse to enter into any agreement. If the requester submits a  
 1730 request for information in accordance with this subsection without an existing agreement to receive the  
 1731 information, such request shall be in a manner prescribed by the Department and such request shall  
 1732 contain the legal authority that authorizes the performance of the requester's official functions and a  
 1733 description of how such information will be used to carry out such official functions. If the  
 1734 Commissioner determines that sufficient authority has not been provided by the requester to show that  
 1735 the purpose for which such information shall be used is one of the requester's official functions, the  
 1736 Commissioner shall deny such request.

1737 **§ 46.2-330. Expiration and renewal of licenses; examinations required.**

1738 A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for  
 1739 which a driver's license has been issued. At no time shall any driver's license be issued for more than  
 1740 eight years or less than five years, unless otherwise provided by law. Thereafter the driver's license shall  
 1741 be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight  
 1742 years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall  
 1743 be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner  
 1744 may extend the validity period of an expiring license if (i) the Department is unable to process an  
 1745 application for renewal due to circumstances beyond its control, (ii) the extension has been authorized  
 1746 under a directive from the Governor, and (iii) the license was not issued as a temporary limited-duration  
 1747 driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the  
 1748 validity period be extended more than 90 days per occurrence of such conditions. In determining the  
 1749 number of years for which a driver's license shall be renewed, the Commissioner shall take into  
 1750 consideration the examinations, conditions, requirements, and other criteria provided under this title that  
 1751 relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required  
 1752 to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday  
 1753 in years which the applicant attains an age equally divisible by five.

1754 B. Within one year prior to the date shown on the driver's license as the date of expiration, the  
 1755 Department shall send notice, to the holder thereof, at the address shown on the records of the  
 1756 Department in its driver's license file, that his license will expire on a date specified therein, whether he  
 1757 must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the  
 1758 period of validity of the driver's license beyond its expiration date. The license holder may request the  
 1759 Department to send such renewal notice to an email or other electronic address, upon provision of such  
 1760 address to the Department.

1761 Any driver's license may be renewed by application after the applicant has taken and successfully  
 1762 completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia  
 1763 Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the  
 1764 parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person

1765 for renewal of a license shall take and successfully complete the examination each renewal year. Every  
 1766 applicant for a renewal shall appear in person before the Department, unless specifically notified by the  
 1767 Department that renewal may be accomplished in another manner as provided in the notice. Applicants  
 1768 who are required to appear in person before the Department to apply for a renewal may also be required  
 1769 to present proof of identity, legal presence, residency, and social security number or non-work  
 1770 authorized status.

1771 C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may  
 1772 require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the  
 1773 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less  
 1774 than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of  
 1775 a driver's license that is not a commercial driver's license and the requirement for the taking of the  
 1776 written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial  
 1777 Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision  
 1778 examination for applicants for renewal of a commercial driver's license or of the knowledge test required  
 1779 by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a  
 1780 commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years  
 1781 old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a  
 1782 vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto  
 1783 by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the  
 1784 standards contained in § 46.2-311.

1785 D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent  
 1786 on any examination of the applicant, shall appear in person before the Department to apply for renewal,  
 1787 unless specifically notified by the Department that renewal may be accomplished in another manner as  
 1788 provided in the notice.

1789 E. This section shall not modify the provisions of § 46.2-221.2.

1790 F. 1. The Department shall electronically transmit application information, including a photograph, to  
 1791 the Department of State Police, in a format approved by the State Police, for comparison with  
 1792 information contained in the Virginia Criminal Information Network and National Crime Information  
 1793 Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license.  
 1794 Whenever it appears from the records of the State Police that a person has failed to comply with the  
 1795 duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall  
 1796 promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant  
 1797 or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the  
 1798 person last registered or reregistered or in the jurisdiction where the person made application for  
 1799 licensure. The Department of State Police shall electronically transmit to the Department, in a format  
 1800 approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1,  
 1801 registry information consisting of the person's name, all aliases that he has used or under which he may  
 1802 have been known, his date of birth, and his social security number as set out in § 9.1-903.

1803 2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not  
 1804 waive the requirement that each such person shall appear for each renewal or the requirement to obtain  
 1805 a photograph in accordance with subsection C of § 46.2-323.

1806 **§ 46.2-332. Fees.**

1807 ~~On and after January 1, 1990, the~~ The fee for each driver's license other than a commercial driver's  
 1808 license shall be \$2.40 per year. *This fee shall not apply to driver privilege cards or permits issued under*  
 1809 *§ 46.2-328.3.* If the license is a commercial driver's license or seasonal restricted commercial driver's  
 1810 license, the fee shall be \$6 per year. ~~Persons 21 years old or older may be issued a senior driver's~~  
 1811 ~~license, learner's permit, or commercial driver's license for an additional fee of \$5.~~ For any one or more  
 1812 driver's license endorsements or classifications, except a motorcycle classification, there shall be an  
 1813 additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per  
 1814 year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For  
 1815 any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10  
 1816 shall be charged to extend the validity period of a driver's license pursuant to subsection B of  
 1817 § 46.2-221.2.

1818 In addition to any other fee imposed and collected by the Department, the Department shall impose  
 1819 and collect a service charge of \$5 upon each person who carries out the renewal of a driver's license or  
 1820 special identification card in any of the Department's Customer Service Centers if such renewal can be  
 1821 conducted by mail or telephone or by using an electronic medium in a format prescribed by the  
 1822 Commissioner. Such service charge shall not apply if, concurrently with the renewal of the driver's  
 1823 license or special identification card, the person undertakes another transaction at a Customer Service  
 1824 Center that cannot be conducted by mail or telephone or by using an electronic medium in a format  
 1825 prescribed by the Commissioner. Such service charge shall be paid by the Commissioner into the state

1826 treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

1827 A reexamination fee of \$2 shall be charged for each administration of the knowledge portion of the

1828 driver's license examination taken by an applicant who is 18 years of age or older if taken more than

1829 once within a 15-day period. The reexamination fee shall be charged each time the examination is

1830 administered until the applicant successfully completes the examination, if taken prior to the fifteenth

1831 day.

1832 An applicant who is less than 18 years of age who does not successfully complete the knowledge

1833 portion of the driver's license examination shall not be permitted to take the knowledge portion more

1834 than once in 15 days.

1835 A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a

1836 scheduled skills test appointment, unless such applicant cancels his appointment with the assigned

1837 driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner

1838 may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the

1839 Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary

1840 expenses incurred by the Department.

1841 If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or

1842 town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be

1843 exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial

1844 motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for

1845 completion by persons claiming exemption from additional fees imposed by this section.

1846 No additional fee above \$2.40 per year shall be assessed for the driver's license or commercial

1847 driver's license required for the operation of a school bus.

1848 Excluding the \$2 reexamination fee, \$1.50 of all fees collected for each original or renewal driver's

1849 license, *other than a driver privilege card issued under § 46.2-328.3*, shall be paid into the driver

1850 education fund of the state treasury and expended as provided by law. Unexpended funds from the

1851 driver education fund shall be retained in the fund and be available for expenditure in ensuing years as

1852 provided therein.

1853 All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

1854 This section shall supersede conflicting provisions of this chapter.

1855 **§ 46.2-333.1. Surcharges on certain fees of Department; disposition of proceeds.**

1856 Notwithstanding any contrary provision of this chapter, there are hereby imposed, in addition to other

1857 fees imposed by this chapter, the following surcharges in the following amounts:

1858 1. For the issuance of any driver's license other than a commercial driver's license, *or a driver*

1859 *privilege card issued under § 46.2-328.3*, \$1.60 per year of validity of the license;

1860 2. For the issuance of any commercial driver's license, \$1 per year of validity of the license;

1861 3. For the reissuance or replacement of any driver's license, \$5; and

1862 4. For the reinstatement of any driver's license, \$15.

1863 All surcharges collected by the Department under this section shall be paid into the state treasury and

1864 shall be set aside as a special fund to be used to support the operation and activities of the Department's

1865 customer service centers.

1866 **§ 46.2-335. Learner's permits; fees; certification required.**

1867 A. The Department, on receiving from any Virginia resident over the age of 15 years and six months

1868 an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's

1869 satisfactory documentation of meeting the requirements of this chapter and successful completion of the

1870 written or automated knowledge and vision examinations and, in the case of a motorcycle learner's

1871 permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the

1872 permit in his immediate possession, to drive a motor vehicle or, if the application is made for a

1873 motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver

1874 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother,

1875 half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i)

1876 alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle

1877 instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii)

1878 lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

1879 The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any

1880 minor applicant required to provide evidence of compliance with the compulsory school attendance law

1881 set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good

1882 academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian,

1883 having custody of such minor, provides written authorization for the minor to obtain a learner's permit

1884 or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the

1885 Department and indicating the Commonwealth's interest in the good academic standing and regular

1886 school attendance of such minors. Any minor providing proper evidence of the solemnization of his

1887 marriage or a certified copy of a court order of emancipation shall not be required to provide the  
 1888 certification of good academic standing or any written authorization from his parent or guardian to  
 1889 obtain a learner's permit or motorcycle learner's permit.

1890 Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is  
 1891 issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance  
 1892 of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12  
 1893 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an  
 1894 application, payment of the application fee, and successful completion of the examinations, be issued  
 1895 another motorcycle learner's permit valid for 12 months.

1896 Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but  
 1897 who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first  
 1898 behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving  
 1899 privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions  
 1900 ordered by the court.

1901 B. No driver's license shall be issued to any such person who is less than 18 years old unless, while  
 1902 holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were  
 1903 after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or  
 1904 otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall  
 1905 contain the following statement:

1906 "It is illegal for anyone to give false information in connection with obtaining a driver's license. This  
 1907 certification is considered part of the driver's license application, and anyone who certifies to a false  
 1908 statement may be prosecuted. I certify that the statements made and the information submitted by me  
 1909 regarding this certification are true and correct."

1910 Such form shall also include the driver's license or Department of Motor Vehicles-issued  
 1911 identification card number of the person making the certification.

1912 C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one  
 1913 passenger who is less than 21 years old, except when participating in a driver education program  
 1914 approved by the Department of Education or a course offered by a driver training school licensed by the  
 1915 Department. This passenger limitation, however, shall not apply to the members of the driver's family or  
 1916 household as defined in subsection B of § 46.2-334.01.

1917 D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and  
 1918 four o'clock a.m.

1919 E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a  
 1920 learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any  
 1921 cellular telephone or any other wireless telecommunications device, regardless of whether or not such  
 1922 device is handheld. No citation for a violation of this subsection shall be issued unless the officer  
 1923 issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of  
 1924 some other provision of this Code or local ordinance relating to the operation, ownership, or  
 1925 maintenance of a motor vehicle or any criminal statute.

1926 F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of  
 1927 damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any  
 1928 action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor  
 1929 vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to  
 1930 any such civil action.

1931 G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia  
 1932 residence and, in the case of persons of school age, compliance with the compulsory school attendance  
 1933 law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits  
 1934 issued under this section.

1935 H. For persons qualifying for a driver's license through driver education courses approved by the  
 1936 Department of Education or courses offered by driver training schools licensed by the Department, the  
 1937 application for the learner's permit shall be used as the application for the driver's license.

1938 I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit  
 1939 issued under this section. Fees for issuance of learner's permits shall be paid into the driver education  
 1940 fund of the state treasury; fees for issuance of motorcycle learner's permits, *other than permits issued*  
 1941 *under § 46.2-328.3*, shall be paid into the state treasury and credited to the Motorcycle Rider Safety  
 1942 Training Program Fund created pursuant to § 46.2-1191. It shall be unlawful for any person, after  
 1943 having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed  
 1944 driver as provided in the foregoing provisions of this section; however, a learner's permit other than a  
 1945 motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years  
 1946 and three months old and has successfully completed an approved driver's education course, signed by  
 1947 the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a

1948 temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age  
 1949 or older, if all other requirements of this chapter have been met. Such temporary driver's license shall  
 1950 only be valid until the driver has received his permanent license pursuant to § 46.2-336.

1951 J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a  
 1952 person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's  
 1953 License Act (§ 46.2-341.1 et seq.).

1954 K. The following limitations shall apply to operation of motorcycles by all persons holding  
 1955 motorcycle learner's permits:

1956 1. The operator shall wear an approved safety helmet as provided in § 46.2-910.

1957 2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle  
 1958 who is 21 years of age or older.

1959 3. No person other than the operator shall occupy the motorcycle.

1960 L. Any violation of this section shall be punishable as a Class 2 misdemeanor.

1961 **§ 46.2-343. Duplicate driver's license, reissued driver's licenses, learner's permit; fees.**

1962 If a driver's license or learner's permit issued under the provisions of this chapter is lost, stolen, or  
 1963 destroyed, the person to whom it was issued may obtain a duplicate or substitute thereof on furnishing  
 1964 proof satisfactory to the Department that his license or permit has been lost, stolen, or destroyed, or that  
 1965 there are good reasons why a duplicate should be issued. Every applicant for a duplicate or reissued  
 1966 driver's license shall appear in person before the Department to apply, unless permitted by the  
 1967 Department to apply for duplicate or reissue in another manner. Applicants who are required to apply in  
 1968 person may be required to present proof of identity, legal presence, residency, and social security  
 1969 number or non-work authorized status.

1970 There shall be a fee of five dollars \$5 for each duplicate license and two dollars \$2 for each  
 1971 duplicate learner's permit. ~~An additional fee of five dollars shall be charged to add or change the scene~~  
 1972 ~~on a duplicate license or duplicate learner's permit.~~

1973 There shall be a fee of five dollars \$5 for reissuance of any driver's license upon the termination of  
 1974 driving restrictions imposed upon the licensee by the Department or a court. ~~An additional fee of five~~  
 1975 ~~dollars shall be charged to add or change the scene on a license upon reissuance.~~

1976 **§ 58.1-3. Secrecy of information; penalties.**

1977 A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax  
 1978 Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or  
 1979 revenue officer or employee, or any person to whom tax information is divulged pursuant to this section  
 1980 or § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices  
 1981 shall not divulge any information acquired by him in the performance of his duties with respect to the  
 1982 transactions, property, including personal property, income or business of any person, firm or  
 1983 corporation. Such prohibition specifically includes any copy of a federal return or federal return  
 1984 information required by Virginia law to be attached to or included in the Virginia return. This  
 1985 prohibition shall apply to any reports, returns, financial documents or other information filed with the  
 1986 Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2.  
 1987 Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions  
 1988 of this subsection shall not be applicable, however, to:

1989 1. Matters required by law to be entered on any public assessment roll or book;

1990 2. Acts performed or words spoken, published, or shared with another agency or subdivision of the  
 1991 Commonwealth in the line of duty under state law;

1992 3. Inquiries and investigations to obtain information as to the process of real estate assessments by a  
 1993 duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to  
 1994 its study, provided that any such information obtained shall be privileged;

1995 4. The sales price, date of construction, physical dimensions or characteristics of real property, or any  
 1996 information required for building permits;

1997 5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court  
 1998 pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent  
 1999 or by the commissioner of accounts making a settlement of accounts filed in such estate;

2000 6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when  
 2001 requested by the General Assembly or any duly constituted committee of the General Assembly;

2002 7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the  
 2003 provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the  
 2004 Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow  
 2005 fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the  
 2006 Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two  
 2007 calendar years or in any year in which the Attorney General receives Stamping Agent information that  
 2008 potentially alters the required escrow deposit of the manufacturer. The information shall only be

2009 provided in the following manner: the manufacturer may make a written request, on a quarterly or  
2010 yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the  
2011 amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who  
2012 reported stamping or selling its products and the amount reported. The Attorney General shall provide  
2013 the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the  
2014 reports the Stamping Agents filed with the Attorney General, it must first request them from the  
2015 Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the  
2016 reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the  
2017 Attorney General, including a copy of the prior written request to the Stamping Agent and any response  
2018 received, for copies of any reports not received. The Attorney General shall provide copies of the  
2019 reports within 45 days of receipt of the request.

2020 B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so  
2021 classified as to prevent the identification of particular reports or returns and the items thereof or the  
2022 publication of delinquent lists showing the names of taxpayers who are currently delinquent, together  
2023 with any relevant information which in the opinion of the Department may assist in the collection of  
2024 such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department,  
2025 upon request by the General Assembly or any duly constituted committee of the General Assembly,  
2026 shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers,  
2027 regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This  
2028 section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or  
2029 corporation is licensed to do business in that locality and divulging, upon written request, the name and  
2030 address of any person, firm or corporation transacting business under a fictitious name. Additionally,  
2031 notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon  
2032 written request stating the reason for such request, the Tax Commissioner with information obtained  
2033 from local tax returns and other information pertaining to the income, sales and property of any person,  
2034 firm or corporation licensed to do business in that locality.

2035 2. This section shall not prohibit the Department from disclosing whether a person, firm, or  
2036 corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or  
2037 whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding  
2038 any other provision of law, the Department is hereby authorized to make available the names and  
2039 certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

2040 3. This section shall not prohibit the Department from disclosing information to nongovernmental  
2041 entities with which the Department has entered into a contract to provide services that assist it in the  
2042 administration of refund processing or other services related to its administration of taxes.

2043 4. This section shall not prohibit the Department from disclosing information to taxpayers regarding  
2044 whether the taxpayer's employer or another person or entity required to withhold on behalf of such  
2045 taxpayer submitted withholding records to the Department for a specific taxable year as required  
2046 pursuant to subdivision C 1 of § 58.1-478.

2047 5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or  
2048 other similar local official who collects or administers taxes for a county, city, or town from disclosing  
2049 information to nongovernmental entities with which the locality has entered into a contract to provide  
2050 services that assist it in the administration of refund processing or other non-audit services related to its  
2051 administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar  
2052 local official who collects or administers taxes for a county, city, or town shall not disclose information  
2053 to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality  
2054 and nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that  
2055 such entity agrees to abide by such obligations.

2056 C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax  
2057 Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director  
2058 of finance, or other similar collector of county, city, or town taxes who, for the performance of his  
2059 official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the  
2060 Commissioner of the Department of Social Services, upon entering into a written agreement, the amount  
2061 of income, filing status, number and type of dependents, and Forms W-2 and 1099 to facilitate the  
2062 administration of public assistance or social services benefits as defined in § 63.2-100 or child support  
2063 services pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2; (iii) provide to the chief executive  
2064 officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request,  
2065 the names and home addresses of those persons identified by the designated guarantor as having  
2066 delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon  
2067 request to state agencies and institutions for their confidential use in facilitating the collection of  
2068 accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating  
2069 the collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the

2070 Commissioner of the Virginia Employment Commission, after entering into a written agreement, such  
 2071 tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid  
 2072 benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written  
 2073 agreement, such tax information as may be necessary to facilitate the collection of state and local taxes  
 2074 and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the  
 2075 Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who  
 2076 owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax  
 2077 information as may be necessary to facilitate the location of owners and holders of unclaimed property,  
 2078 as defined in § 55.1-2500; (ix) provide to the State Corporation Commission, upon entering into a  
 2079 written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees  
 2080 administered by the Commission; (x) provide to the Executive Director of the Potomac and  
 2081 Rappahannock Transportation Commission for his confidential use such tax information as may be  
 2082 necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the  
 2083 Commissioner of the Department of Agriculture and Consumer Services such tax information as may be  
 2084 necessary to identify those applicants for registration as a supplier of charitable gaming supplies who  
 2085 have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing  
 2086 and Community Development for its confidential use such tax information as may be necessary to  
 2087 facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270  
 2088 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and  
 2089 address information to private collectors entering into a written agreement with the Tax Commissioner,  
 2090 for their confidential use when acting on behalf of the Commonwealth or any of its political  
 2091 subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private  
 2092 collector who has used or disseminated in an unauthorized or prohibited manner any such information  
 2093 previously provided to such collector; (xiv) provide current name and address information as to the  
 2094 identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any  
 2095 person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for  
 2096 injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or  
 2097 Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering  
 2098 into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid  
 2099 wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource  
 2100 Management, upon entering into a written agreement, such tax information as may be necessary to  
 2101 identify persons receiving workers' compensation indemnity benefits who have failed to report earnings  
 2102 as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any  
 2103 other officer of any county, city, or town performing any or all of the duties of a commissioner of the  
 2104 revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list  
 2105 of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii)  
 2106 provide to the Executive Director of the Northern Virginia Transportation Commission for his  
 2107 confidential use such tax information as may be necessary to facilitate the collection of the motor  
 2108 vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the  
 2109 name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as  
 2110 subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx)  
 2111 provide to the developer or the economic development authority of a tourism project authorized by  
 2112 § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap  
 2113 financing; and (xxi) provide to the Virginia Retirement System and the Department of Human Resource  
 2114 Management, after entering into a written agreement, such tax information as may be necessary to  
 2115 facilitate the enforcement of subdivision C 4 of § 9.1-401; and (xxii) provide to the Commissioner of the  
 2116 Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege  
 2117 card or permit under § 46.2-328.3 reported income and deductions from Virginia sources, as defined in  
 2118 § 58.1-302, or was claimed as a dependent, on an individual income tax return filed with the  
 2119 Commonwealth within the preceding 12 months. The Tax Commissioner is further authorized to enter  
 2120 into written agreements with duly constituted tax officials of other states and of the United States for the  
 2121 inspection of tax returns, the making of audits, and the exchange of information relating to any tax  
 2122 administered by the Department of Taxation. Any person to whom tax information is divulged pursuant  
 2123 to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a  
 2124 tax official.

2125 D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the  
 2126 commissioner of revenue or other assessing official is authorized to (i) provide, upon written request  
 2127 stating the reason for such request, the chief executive officer of any county or city with information  
 2128 furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of  
 2129 any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the  
 2130 local sales and use tax revenues payable to the county or city; (ii) provide to the Department of

2131 Professional and Occupational Regulation for its confidential use the name, address, and amount of gross  
 2132 receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a  
 2133 profession or occupation administered by the Department of Professional and Occupational Regulation,  
 2134 only after the Department of Professional and Occupational Regulation exhausts all other means of  
 2135 obtaining such information; and (iii) provide to any representative of a condominium unit owners'  
 2136 association, property owners' association or real estate cooperative association, or to the owner of  
 2137 property governed by any such association, the names and addresses of parties having a security interest  
 2138 in real property governed by any such association; however, such information shall be released only  
 2139 upon written request stating the reason for such request, which reason shall be limited to proposing or  
 2140 opposing changes to the governing documents of the association, and any information received by any  
 2141 person under this subsection shall be used only for the reason stated in the written request. The treasurer  
 2142 or other local assessing official may require any person requesting information pursuant to clause (iii) of  
 2143 this subsection to pay the reasonable cost of providing such information. Any person to whom tax  
 2144 information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties  
 2145 prescribed herein as though he were a tax official.

2146 Notwithstanding the provisions of subsection A or B or any other provisions of this title, the  
 2147 treasurer or other collector of taxes for a county, city or town is authorized to provide information  
 2148 relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course  
 2149 of performing his duties to the commissioner of the revenue or other assessing official for such  
 2150 jurisdiction for use by such commissioner or other official in performing assessments.

2151 This section shall not be construed to prohibit a local tax official from imprinting or displaying on a  
 2152 motor vehicle local license decal the year, make, and model and any other legal identification  
 2153 information about the particular motor vehicle for which that local license decal is assigned.

2154 E. Notwithstanding any other provisions of law, state agencies and any other administrative or  
 2155 regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon  
 2156 written request, the name, address, and social security number of a taxpayer, necessary for the  
 2157 performance of the Commissioner's official duties regarding the administration and enforcement of laws  
 2158 within the jurisdiction of the Department of Taxation. The receipt of information by the Tax  
 2159 Commissioner or his agent which may be deemed taxpayer information shall not relieve the  
 2160 Commissioner of the obligations under this section.

2161 F. Additionally, it ~~shall be~~ *is* unlawful for any person to disseminate, publish, or cause to be  
 2162 published any confidential tax document which he knows or has reason to know is a confidential tax  
 2163 document. A confidential tax document is any correspondence, document, or tax return that is prohibited  
 2164 from being divulged by subsection A, B, C, or D and includes any document containing information on  
 2165 the transactions, property, income, or business of any person, firm, or corporation that is required to be  
 2166 filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax  
 2167 document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any  
 2168 person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

2169 **§ 59.1-442. Sale of purchaser information; notice required.**

2170 A. No merchant, without giving notice to the purchaser, shall sell to any third person information  
 2171 ~~which that~~ *that* concerns the purchaser and ~~which that~~ *that* is gathered in connection with the sale, rental, or  
 2172 exchange of tangible personal property to the purchaser at the merchant's place of business. Notice  
 2173 required by this section may be by the posting of a sign or any other reasonable method. If requested by  
 2174 a purchaser not to sell such information, the merchant shall not do so. No merchant shall sell any  
 2175 information gathered solely as the result of any customer payment by personal check, credit card, or  
 2176 where the merchant records the *number of the customer's driver's license number or other document*  
 2177 *issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction.*  
 2178 This subsection shall not be construed as authorizing a merchant to sell to a third person any  
 2179 information concerning a purchaser if the sale or dissemination of the information is prohibited pursuant  
 2180 to § 59.1-443.3.

2181 B. For the purposes of this section and § 59.1-443.3, "merchant" means any person or entity engaged  
 2182 in the sale of goods from a fixed retail location in Virginia.

2183 **§ 59.1-443.3. Scanning information from driver's licenses and other documents; retention, sale,  
 2184 or dissemination of information.**

2185 A. No merchant may scan the machine-readable zone of a *driver's license or other document issued*  
 2186 *by the Department of Motor Vehicles-issued identification card or driver's license under Chapter 3*  
 2187 *(§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, except for the following*  
 2188 *purposes:*

2189 1. To verify authenticity of the ~~identification card or~~ *driver's license or other document* or to verify  
 2190 the identity of the individual if the individual pays for goods or services with a method other than cash,  
 2191 returns an item, or requests a refund or an exchange;

2192 2. To verify the individual's age when providing age-restricted goods or services to the individual if  
 2193 there is a reasonable doubt of the individual having reached 18 years of age or older;

2194 3. To prevent fraud or other criminal activity if the individual returns an item or requests a refund or  
 2195 an exchange and the merchant uses a fraud prevention service company or system. Information collected  
 2196 by scanning an individual's ~~identification card or~~ driver's license *or other document* pursuant to this  
 2197 subdivision shall be limited to the individual's name, address, *and* date of birth; *and the number of the*  
 2198 driver's license ~~number or identification card number~~ *other document*;

2199 4. To comply with a requirement imposed on the merchant by ~~state~~ *the laws of the Commonwealth*  
 2200 or federal law;

2201 5. To provide to a check services company regulated by the federal Fair Credit Reporting Act, (15  
 2202 U.S.C. § 1681 et seq.), that receives information obtained from an individual's ~~identification card or~~  
 2203 driver's license *or other document* to administer or enforce a transaction or to prevent fraud or other  
 2204 criminal activity; or

2205 6. To complete a transaction permitted under the *federal* Gramm-Leach-Bliley Act, (15 U.S.C. § 6801  
 2206 et seq.), or the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.).

2207 B. No merchant shall retain any information obtained from a scan of the machine-readable zone of  
 2208 an individual's ~~identification card or~~ driver's license *or other document* except as permitted in  
 2209 subdivision A 3, 4, 5, or 6.

2210 C. No merchant shall sell or disseminate to a third party any information obtained from a scan of the  
 2211 machine-readable zone of an individual's ~~identification card or~~ driver's license *or other document* for any  
 2212 marketing, advertising, or promotional purpose. This subsection shall not prohibit a merchant from  
 2213 disseminating to a third party any such information for a purpose described in subdivision A 3, 4, 5, or  
 2214 6.

2215 D. Any waiver of a provision of this section is contrary to public policy and is void and  
 2216 unenforceable.

2217 **§ 63.2-1916. Notice of administrative support order; contents; hearing; modification.**

2218 The Commissioner may proceed against a noncustodial parent whose support debt has accrued or is  
 2219 accruing based upon subrogation to, assignment of, or authorization to enforce a support obligation.  
 2220 Such obligation may be created by a court order for support of a child or child and spouse or decree of  
 2221 divorce ordering support of a child or child and spouse. In the absence of such a court order or decree  
 2222 of divorce, the Commissioner may, pursuant to this chapter, proceed against a person whose support  
 2223 debt has accrued or is accruing based upon payment of public assistance or who has a responsibility for  
 2224 the support of any dependent child or children and their custodial parent. The administrative support  
 2225 order shall also provide that support shall continue to be paid for any child over the age of 18 who is  
 2226 (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent  
 2227 seeking or receiving child support, until such child reaches the age of 19 or graduates from high school,  
 2228 whichever comes first. The Commissioner shall initiate proceedings by issuing notice containing the  
 2229 administrative support order which shall become effective unless timely contested. The notice shall be  
 2230 served upon the debtor (a) in accordance with the provisions of § 8.01-296, 8.01-327 or 8.01-329 or (b)  
 2231 by certified mail, return receipt requested, or by electronic means, or the debtor may accept service by  
 2232 signing a formal waiver. A copy of the notice shall be provided to the obligee. The notice shall include  
 2233 the following:

2234 1. A statement of the support debt or obligation accrued or accruing and the basis and authority  
 2235 under which the assessment of the debt or obligation was made. The initial administrative support order  
 2236 shall be effective on the date of service and the first monthly payment shall be due on the first of the  
 2237 month following the date of service and the first of each month thereafter. A modified administrative  
 2238 support order shall be effective the date that notice of the review is served on the nonrequesting party,  
 2239 and the first monthly payment shall be due on the first day of the month following the date of such  
 2240 service and on the first day of each month thereafter. In addition, an amount shall be assessed for the  
 2241 partial month between the effective date of the order and the date that the first monthly payment is due.  
 2242 The assessment for the initial partial month shall be prorated from the effective date through the end of  
 2243 that month, based on the current monthly obligation. All payments are to be credited to current support  
 2244 obligations first, with any payment in excess of the current obligation applied to arrearages, if any;

2245 2. A statement of the name, date of birth, and last four digits of the social security number of the  
 2246 child or children for whom support is being sought;

2247 3. A statement that support shall continue to be paid for any child over the age of 18 who is (i) a  
 2248 full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or  
 2249 receiving child support, until such child reaches the age of 19 or graduates from high school, whichever  
 2250 comes first;

2251 4. A demand for immediate payment of the support debt or obligation or, in the alternative, a  
 2252 demand that the debtor file an answer with the Commissioner within 10 days of the date of service of

2253 the notice stating his defenses to liability;

2254 5. If known, the full name, date of birth, and last four digits of the social security number of each  
 2255 parent of the child; however, when a protective order has been issued or the Department otherwise finds  
 2256 reason to believe that a party is at risk of physical or emotional harm from the other party, only the  
 2257 name of the party at risk shall be included in the order;

2258 6. A statement that if no answer is made on or before 10 days from the date of service of the notice,  
 2259 the administrative support order shall be final and enforceable, and the support debt shall be assessed  
 2260 and determined subject to computation, and is subject to collection action;

2261 7. A statement that the debtor may be subject to mandatory withholding of income, the interception  
 2262 of state or federal tax refunds, interception of payments due to the debtor from the Commonwealth,  
 2263 notification of arrearage information to consumer reporting agencies, passport denial or suspension, or  
 2264 incarceration and that the debtor's property will be subject to lien and foreclosure, distraint, seizure and  
 2265 sale, an order to withhold and deliver, or withholding of income;

2266 8. A statement that the parents shall keep the Department informed regarding access to health  
 2267 insurance coverage and health insurance policy information and a statement that health care coverage  
 2268 shall be required for the parents' dependent children if available at reasonable cost as defined in  
 2269 § 63.2-1900, or pursuant to subsection A of § 63.2-1903. If a child is enrolled in Department-sponsored  
 2270 health care coverage, the Department shall collect the cost of the coverage pursuant to subsection E of  
 2271 § 20-108.2;

2272 9. A statement of each party's right to appeal and the procedures applicable to appeals from the  
 2273 decision of the Commissioner;

2274 10. A statement that the obligor's income shall be immediately withheld to comply with this order  
 2275 unless the obligee, or the Department, if the obligee is receiving public assistance, and obligor agree to  
 2276 an alternative arrangement;

2277 11. A statement that any determination of a support obligation under this section creates a judgment  
 2278 by operation of law and as such is entitled to full faith and credit in any other state or jurisdiction;

2279 12. A statement that each party shall give the Department written notice of any change in his  
 2280 address, including email address, or phone number, including cell phone number, within 30 days;

2281 13. A statement that each party shall keep the Department informed of the name, telephone number  
 2282 and address of his current employer;

2283 14. A statement that if any arrearages for child support, including interest or fees, exist at the time  
 2284 the youngest child included in the order emancipates, payments shall continue in the total amount due  
 2285 (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages  
 2286 are paid;

2287 15. A statement that a petition may be filed for suspension of any license, certificate, registration, or  
 2288 other authorization to engage in a profession, trade, business, occupation, or recreational activity issued  
 2289 by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90  
 2290 days or more or in amount of \$5,000 or more. The order shall indicate whether either or both parents  
 2291 currently hold such an authorization and, if so, the type of authorization held;

2292 16. A statement that the Department of Motor Vehicles may suspend or refuse to renew the ~~driver's~~  
 2293 ~~license~~ *driving privileges* of any person upon receipt of notice from the Department of Social Services  
 2294 that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000  
 2295 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child  
 2296 support proceedings; and

2297 17. A statement that on and after July 1, 1994, the Department of Social Services, as provided in  
 2298 § 63.2-1921 and in accordance with § 20-108.2, may initiate a review of the amount of support ordered  
 2299 by any court.

2300 If no answer is received by the Commissioner within 10 days of the date of service or acceptance,  
 2301 the administrative support order shall be effective as provided in the notice. The Commissioner may  
 2302 initiate collection procedures pursuant to this chapter, Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 or  
 2303 Title 20. The debtor and the obligee have 10 days from the date of receipt of the notice to file an  
 2304 answer with the Commissioner to exercise the right to an administrative hearing.

2305 Any changes in the amount of the administrative order must be made pursuant to this section. In no  
 2306 event shall an administrative hearing alter or amend the amount or terms of any court order for support  
 2307 or decree of divorce ordering support. No administrative support order may be retroactively modified,  
 2308 but may be modified from the date that notice of the review has been served on the nonrequesting party.  
 2309 Notice of each review shall be served on the nonrequesting party (1) in accordance with the provisions  
 2310 of § 8.01-296, 8.01-327, or 8.01-329, (2) by certified mail, return receipt requested, (3) by electronic  
 2311 means, or (4) by the nonrequesting party executing a waiver. The existence of an administrative order  
 2312 shall not preclude either an obligor or obligee from commencing appropriate proceedings in a juvenile  
 2313 and domestic relations district court or a circuit court.

2314 § 63.2-1941. **Additional enforcement remedies.**

2315 In addition to its other enforcement remedies, the Division of Child Support Enforcement is  
2316 authorized to:

2317 1. Attach unemployment benefits through the Virginia Employment Commission pursuant to  
2318 § 60.2-608 and workers' compensation benefits through the Workers' Compensation Commission  
2319 pursuant to § 65.2-531; and

2320 2. Suspend an individual's ~~driver's license~~ *driving privileges* pursuant to § 46.2-320.1.

2321 **2. That the provisions of this act shall become effective on January 1, 2021.**

2322 **3. That no later than December 1, 2021, the Commissioner of the Department of Motor Vehicles**  
2323 **shall report to the Chairmen of the House and Senate Committees on Transportation regarding**  
2324 **the Commissioner's progress in implementing the provisions of this act.**

2325 **4. That the provisions of this act may result in a net increase in periods of imprisonment or**  
2326 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
2327 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
2328 **correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia**  
2329 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to**  
2330 **§ 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be**  
2331 **determined for periods of commitment to the custody of the Department of Juvenile Justice.**