

Virginia Department of Motor Vehicles

2010 Legislative Bulletin

Driver Licenses & Identification Cards

HB 97: Restricted driving privilege for out-of-state drivers (Chapter 493)

Amends Va. Code by adding a new section numbered 46.2-398.1

This bill clarifies that a court is permitted to authorize restricted driving privileges to a driver whose privilege to drive is suspended in Virginia, if the person holds a valid driver's license from another jurisdiction. If the law allows for restricted privileges and the court grants/authorizes restricted privileges, the restricted privileges will be valid only in Virginia. The court must indicate on the order that the driver is not a Virginia-licensed driver.

Not addressed in bill, but for clarification purposes: Since all states issuing driver's licenses have statutory provisions requiring the loss of that license upon conviction of DUI, Virginia courts can require the surrender of the person's license upon such a conviction, to be returned to the person's licensing state. For out-of-state drivers convicted of driving while intoxicated in Virginia, the court should surrender the driver's out-of-state license to DMV. Upon receipt, DMV will forward the out-of-state license to the driver's home state. The driver's home state can take whatever action its laws require. The surrender of out-of-state licenses only applies to DUI suspensions/revocations, since not every state requires loss of license for other offenses.

The out-of-state driver can drive on the Virginia court restricted license order (DC-265) temporarily (until it expires). The person would need to apply for a Virginia license or ID card (if a resident), or return to their home state and present the DC-265 to the DMV for a possible restricted license.

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HB 98 & SB 107: Restricted learner's permit (Chapters 541 and 593)

Amends Va. Code §46.2-335

This bill provides that DMV may issue a learner's permit bearing court restrictions if:

- The driver is at least 25 years old;
- The driver has been granted restricted driving privileges by the court;
and
- There is no record that the person has been licensed previously.