

**REPORT TO COMMITTEE ON ROADS  
AND INTERNAL NAVIGATION ON  
HOUSE JOINT RESOLUTION  
NUMBER 12**



**House Document 9**

COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
Richmond  
1972



REPORT TO COMMITTEE ON ROADS AND INTERNAL NAVIGATION  
ON HOUSE JOINT RESOLUTION NUMBER 12

1. House Joint Resolution Number 12 required the Commissioner of the Division of Motor Vehicles to contact each state and determine the possibility of each state becoming a "reciprocating state" under the provision of Section 46.1-179.1 of the Code of Virginia.
2. On February 12, 1971, the Division of Motor Vehicles sent a letter (see attachment 1) to all states and provinces of Canada which requested that each state consider entering into a reciprocal agreement with Virginia.
3. As of this date I have received replies from thirty-six states and one Canadian Province. Eleven states and one Canadian Province have indicated a desire to enter into some type of agreement, however, in most cases their motor vehicle laws do not give them the necessary authority at the present time to consummate such an agreement.
4. I am enclosing a copy of an opinion dated April 9, 1964, by the then Attorney General Robert Y. Button which indicates that due to the definitions contained in Section 46.1-179.1 of the Motor Vehicle Code, Virginia could not enter into formal reciprocal agreements with any State other than the State of Maryland or the District of Columbia.
5. I recommend amending § 46.1-179.1 to overcome the restrictions cited in Attorney General Button's opinion and have enclosed a suggested amendment.
6. I intend to have the question of Drivers License reciprocity brought up and discussed at the annual Drivers License Workshop conducted by the American Association of Motor Vehicle Administrators in April, 1972.

## HOUSE JOINT RESOLUTION NO. 12

*Requesting the Commissioner of the Division of Motor Vehicles of Virginia to request the several states to participate in the provisions of the Code of Virginia relating to reciprocal provisions as to arrest of non-residents.*

Agreed to by the House of Delegates, February 18, 1970

Agreed to by the Senate, March 14, 1970

Resolved by the House of Delegates, the Senate concurring, That the Commissioner of Motor Vehicles is hereby requested to forthwith contact the motor vehicle licensing authority of each state except Maryland, and suggest and request that appropriate action be taken to bring persons licensed by Virginia and each other state under the provisions of Article 1.1 of Chapter 4 of Title 46.1 of the Code of Virginia, as amended; be it further

Resolved, That the Commissioner of Motor Vehicles shall report to the Governor and General Assembly no later than July one, nineteen hundred seventy-one of the results of the actions taken hereunder, and that he make recommendations to the Governor and General Assembly on legislation designed to cause as many states as possible to promptly become "reciprocating states" as defined in § 46.1-179.1 of the Code of Virginia.

## HOUSE JOINT RESOLUTION NO. 24

*Continuing the Commission on the Legislative Process.*

Agreed to by the House of Delegates, March 9, 1970

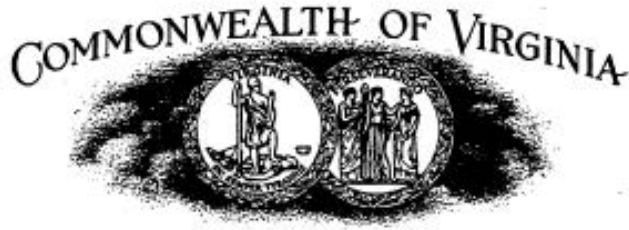
Agreed to by the Senate, March 14, 1970

Whereas, the Commission on the Legislative Process has initiated a comprehensive review of facilities and procedures pertinent to the efficient operations of the General Assembly; and

Whereas, the pending amendment of the Constitution, the need for evaluation of the effectiveness of office facilities provided for the 1970 General Assembly and for further study of the matter of facilities, and the desirability of further study of the legislative process, all constitute good reasons for continuing the Commission; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Commission on the Legislative Process be continued. The Commission shall be composed of eleven members, appointed as follows: The President of the Senate and three persons appointed by him, at least two of whom shall be from the membership of the Senate; and the Speaker of the House and six persons appointed by him, at least five of whom shall be from the membership of the House. The members so appointed shall elect, from their number a chairman and a vice-chairman.

The Commission shall continue its study of the legislative process in Virginia. The Commission shall consider, but not be limited to consideration of, the following matters: (1) proper revisions in the statutes and rules governing the legislative process if the Constitution be amended



VERN L. HILL  
COMMISSIONER

DIVISION OF MOTOR VEHICLES

RICHMOND 10

February 12, 1971

Mr. Sheldon H. Latta, Director  
Motor Vehicle Division  
2200 Carey Avenue  
Cheyenne, Wyoming 82001

Dear Mr. Latta:

The Virginia General Assembly has authorized me to contact each state to determine which states might desire to enter into a reciprocal agreement with Virginia concerning the posting of collateral or bond to secure appearance for trials arising from traffic violations.

Virginia has had a similar agreement with the State of Maryland and the District of Columbia since 1964, and we feel it has eliminated some inconvenience to all citizens.

I have enclosed an extract from the Motor Vehicle Laws of Virginia which covers "Reciprocal Provisions as to Arrest of Nonresidents" for your information.

I believe an agreement of this type could be of mutual benefit to the citizens of our states and would appreciate your early comments.

With kindest regards, I am

Sincerely,

Commissioner

VLH:lmj

§ 46.1-179. **When arresting officer shall take person before judicial officer.**—If any person is: (1) Arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person; (2) believed by the arresting officer to have committed a felony; (3) believed by the arresting officer to be likely to disregard a summons issued under § 46.1-178; (4) charged with reckless driving; the arresting officer, unless he issues a summons, shall take such person forthwith before the nearest or most accessible judicial officer or other person qualified to admit to bail in lieu of issuing the summons required by § 46.1-178, who shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or warrant as he shall determine proper. (Code 1950, § 46-194; 1958, c. 541; 1966, c. 639.)

§ 46.1-179.01. **Conditions precedent to issuance of warrant for violation of parking ordinance.**—Before any warrant shall issue for the prosecution of a violation of an ordinance of any county, city or town regulating parking, the violator shall have been first notified by registered or certified mail at his last known address or at the address shown for such violator on the records of the Division of Motor Vehicles, that he may pay the fine, provided by law for such violation, within five days of receipt of such notice, and the officer issuing such warrant shall be notified that the violator has failed to pay such fine within such time. The notice to the violator, required by the provisions of this section, shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed on the face thereof in type at least one-half inch in height. (1968, c. 388; 1970, c. 510.)

The number of this section was assigned by the Virginia Code Commission, the 1968 act having assigned no number.

The 1970 amendment inserted "or certified" in the first sentence and added the second sentence.

#### ARTICLE 1.1.

##### *Reciprocal Provisions as to Arrest of Nonresidents.*

§ 46.1-179.1. **Definitions.**—As used in this article:

- (a) "State" means the State of Maryland and the District of Columbia.
- (b) "Reciprocating state" means any state which extends by its laws to residents of Virginia substantially the rights and privileges provided by this article.
- (c) "Citation" means any citation, summons, ticket, or other document issued by an arresting officer for violation of a traffic law, ordinance, rule or regulation, ordering the arrested motorist to appear.
- (d) "License" means any operator's or chauffeur's permit or any other license or permit to operate a motor vehicle issued under the laws of a reciprocating state including—
  - (1) Any temporary or learner's permit;
  - (2) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
  - (3) Any nonresident's operating privilege conferred upon a nonresident of a state pertaining to the operation by such person of a motor vehicle in such state.
- (e) "Collateral" or "bond" means any cash or other security deposited to secure an appearance for trial following a citation by an arresting officer for violation of a traffic law, ordinance, rule or regulation.
- (f) "Personal recognizance" means a signed agreement by an arrested motorist that he will comply with the terms of the citation served upon him at the time of arrest.

(g) “*Nonresident*” refers only to a person who is a resident of or holds an operator’s or chauffeur’s license issued by a reciprocating state. (1964, c. 247.)

The numbers of §§ 46.1-179.1 to 46.1-179.3 were assigned by the Virginia Code Commission, the 1964 act having assigned no numbers.

**§ 46.1-179.2. Issuance of citation to resident of reciprocating state; officer to report noncompliance with citation.**—(a) Notwithstanding the provisions of clause (3) of § 46.1-179 of the Code of Virginia, a police officer making an arrest for a traffic violation shall issue a citation as appropriate to any motorist who is a resident of or holds a license issued by a reciprocating state and shall not, subject to the exceptions noted in paragraph (b) of this section, require such motorist to post collateral or bond to secure appearance for trial, but shall accept such motorist’s personal recognizance that he will comply with the terms of such citation; provided, however, that a person so arrested shall have the right upon his request to post collateral or bond in a manner provided by law and, in such case, the provisions of this article shall not apply.

(b) No motorist shall be entitled to receive a citation under the terms of paragraph (a) of this section nor shall any police officer issue such citation under the same in the event the offense for which the citation be issued shall be one of the following: (1) An offense for which the issuance of a citation in lieu of a hearing or the posting of collateral or bond is prohibited by the laws of this State; or (2) an offense, the conviction of or the forfeiture of collateral for which requires the revocation of the motorist’s license.

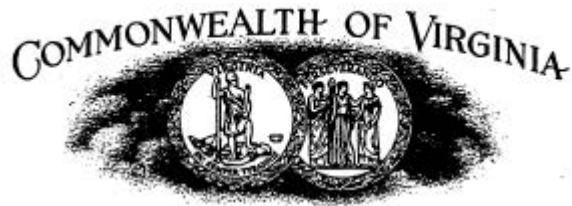
(c) Upon the failure of any nonresident to comply with the terms of a traffic citation, the arresting officer shall obtain a warrant for arrest and shall report this fact to the Division of Motor Vehicles. Such report shall clearly identify the person arrested; describe the violation, specifying the section of the statute, code or ordinance violated; shall indicate the location of the offense, give description of vehicle involved, and show the registration or license number of the vehicle. Such report shall be signed by the arresting officer. (1964, c. 247.)

**§ 46.1-179.3. Division to transmit officer’s report to reciprocating state; suspension of resident’s license for noncompliance with citation issued by reciprocating state.**—(a) Upon receipt of an arresting officer’s report as described in § 46.1-179.2, the Division of Motor Vehicles shall transmit a certified copy of such report to the official in charge of the issuance of licenses in the reciprocating state in which the nonresident resides or by which he is licensed.

(b) Upon receipt from the licensing authority of a reciprocating state in which an arrest was made, of a certification of noncompliance with a citation issued in a reciprocating state by a person holding an operator’s or chauffeur’s license issued by this State, the Commissioner of the Division of Motor Vehicles forthwith shall suspend such person’s license. The order of suspension shall indicate the reason for the order, and shall notify the motorist that his license shall remain suspended until he has furnished evidence satisfactory to the Commissioner that he has fully complied with the terms of the citation which was the basis for the suspension order.

(c) A copy of any suspension order issued hereunder shall be furnished to the licensing authority of the reciprocating state in which the arrest was made.

(d) It shall be the duty of the Commissioner of Motor Vehicles to ascertain and remain informed as to which states are “reciprocating states” hereunder and, accordingly, to maintain a current listing of such states, which listing he shall from time to time cause to be disseminated among the appropriate departments, divisions, bureaus and agencies of this State, the principal executive officers of the several counties, cities and towns of this State and the licensing authorities in all other states which are, have been, or claim to be a “reciprocating state” pursuant hereto. (1964, c. 247.)



BERT Y. BUTTON  
ATTORNEY GENERAL  
ANNETH C. PATTY  
FIRST ASSISTANT

OFFICE OF THE ATTORNEY GENERAL  
RICHMOND

April 9, 1964

Honorable C. H. Lamb, Commissioner  
Division of Motor Vehicles  
2220 West Broad Street  
Richmond, Virginia

Dear Mr. Lamb:

This is in reply to your letter of April 1, 1964 in which you pose several questions relative to Senate Bill No. 84, enacted by the 1964 Session of the General Assembly, providing for the issuance of a citation on making an arrest for a traffic violation in certain instances in lieu of requiring the posting of bond. I shall quote and consider your inquiries by paragraph and in the order presented:

“The term ‘reciprocating state’ used in this statute implies some type of agreement formal or informal in order that I comply with Section 3(d). Who is empowered to enter into such an agreement with a reciprocating state and under what statutory authority are such agreements consummated? If such an agreement is not considered necessary, what administrative yardstick should be employed by this office to ascertain and remain informed as to which states are ‘reciprocating states.’”

The term “reciprocating state” is stated in § 1 (b) of this Act to mean “any state which extends by its laws to residents of Virginia substantially the rights and privileges provided by this act.” In my interpretation, this language does not contemplate entry into a reciprocal agreement, but has reference to a state which extends, by its laws, to residents of Virginia substantially the rights and privileges provided by this Act. In other words, this Act, in itself, constitutes the authority for Virginia to proceed as herein authorized, provided, that such other “state,” as defined in this Act, extends by its laws to residents of Virginia substantially the rights and privileges provided by this Act. Your office should “ascertain and remain informed” as to which states are reciprocating states hereunder by obtaining and maintaining evidence as to whether or not such state extends by its laws substantially similar rights and privileges to residents of Virginia.

“What is your opinion as to the meaning of the language in 1(a) ‘State’ in relation to the remainder of the statute which utilizes the term ‘reciprocating state’ with one exception.”

Under § 1 (a), we find the following language: “As used in this act: (a) ‘state’ means the State of Maryland and the District of Columbia.” In my interpretation, this limits the application of the Act by this Commonwealth to the State of Maryland and the District of Columbia, and these, only if they



extend by their laws to residents of Virginia substantially the rights and privileges provided by this Act. The original Senate bill defined the word "state," as used in this Act, to mean "a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico." The House of Delegates substituted the present language, in lieu of that used in the original bill, by amendment, which was thereafter approved by the Senate.

"What criteria should be employed to determine if a state is a 'reciprocating state' and what, if any, means can be employed to withdraw such a relationship in the event a 'reciprocating state' does not continue to meet such terms and conditions of an agreement, if one is required."

To determine whether or not a state is a "reciprocating state," it would be necessary that you obtain evidence of the laws of such state and its policy in respect to this subject. Whenever such state ceases to extend by its laws to residents of Virginia substantially the rights and privileges provided by this Act, this Act would no longer apply to such state. In this connection, a statement could be obtained from the Commissioner of the Motor Vehicle Department of such state.

Sincerely yours,

Robert Y. Button  
Attorney General

12:29

A BILL to amend and reenact § 46.1-179.1, as amended, of the Code of Virginia, relating to definitions.

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-179.1, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 46.1-179.1. Definitions.—As used in this article:

(a) “State” means ~~the State of Maryland and the District of Columbia a~~ *State, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or the Provinces of Canada.*

(b) “Reciprocating state” means any state which *enters into a formal agreement with Virginia* or extends by its laws to residents of Virginia substantially the rights and privileges provided by this article.

(c) “Citation” means any citation, summons, ticket, or other document issued by an arresting officer for violation of a traffic law, ordinance, rule or regulation, ordering the arrested motorist to appear.

(d) “License” means any ~~operator’s or chauffeur’s permit~~ *driver’s license* or any other license or permit to operate a motor vehicle issued under the laws of a reciprocating state including—

(1) Any temporary or learner’s permit;

(2) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(3) Any nonresident’s operating privilege conferred upon a nonresident of a state pertaining to the operation by such person of a motor vehicle in such state.

(e) “Collateral” or “bond” means any cash or other security deposited to secure an appearance for trial following a citation by an arresting officer for violation of a traffic law, ordinance, rule or regulation.

(f) “Personal recognizance” means a signed agreement by an arrested motorist that he will comply with the terms of the citation served upon him at the time of arrest.

(g) “Nonresident” refers only to a person who is a resident of or holds ~~an operator’s or chauffeur’s~~ *a driver’s* license issued by a reciprocating state.