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HOUSE BILL NO. 1347

Offered January 24, 2000

A BILL to amend and reenact § 46.2-707 of the Code of Virginia, relating to registration of uninsured motor vehicles.

Patrons—Drake, Abbitt, Black, Bolvin, Byron, Ingram, Katzen, Nixon, Parrish, Ruff, Suit, Tata and Williams; Senator: Schrock

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-707 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-707. Operating uninsured motor vehicle without payment of fee; verification of insurance; false evidence of insurance.

A. Any person who owns an uninsured motor vehicle (i) licensed in the Commonwealth, (ii) subject to registration in the Commonwealth, or (iii) displaying temporary license plates provided for in § 46.2-1558 who operates or permits the operation of that motor vehicle without first having paid to the Commissioner the uninsured motor vehicle fee required by § 46.2-706, to be disposed of as provided by § 46.2-710, shall be guilty of a Class 3 misdemeanor.

B. Any person who is the operator of such an uninsured motor vehicle and not the titled owner, who knows that the required fee has not been paid to the Commissioner, shall be guilty of a Class 3 misdemeanor.

C. The Commissioner or his duly authorized agent, having reason to believe that a motor vehicle is being operated or has been operated on any specified date, may require the owner of such motor vehicle to verify insurance in a method prescribed by the Commissioner as provided for by § 46.2-706. The refusal or neglect of the owner who has not, prior to the date of operation, paid the uninsured motor vehicle fee required by § 46.2-706 as to such motor vehicle, to provide such verification shall be prima facie evidence that the motor vehicle was an uninsured motor vehicle at the time of such operation.

D. Any person who falsely verifies insurance to the Commissioner or gives false evidence that a motor vehicle sought to be registered is an insured motor vehicle, shall be guilty of a Class 3 misdemeanor.

However, the foregoing portions of this section shall not be applicable if it is established that the owner had good cause to believe and did believe that such motor vehicle was an insured motor vehicle, in which event the provisions of § 46.2-609 shall be applicable.

Any person who owns an uninsured motor vehicle (i) licensed in the Commonwealth, (ii) subject to registration in the Commonwealth, or (iii) displaying temporary license plates provided for in § 46.2-1558, and who has not paid the uninsured motor vehicle fee required by § 46.2-706, shall immediately surrender the vehicle's license plates to the Department. Any person who fails to immediately surrender his vehicle's license plates shall be guilty of a Class 3 misdemeanor.

Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this section shall be forwarded to the Commissioner as prescribed by § 46.2-383.

E. The Commissioner shall suspend the driver's license and all registration certificates and license plates of any titled owner of an uninsured motor vehicle upon receiving a record of his conviction of a violation of any provisions of this section, and he shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of such person until such person pays the fee applicable to the registration of an uninsured motor vehicle as prescribed in § 46.2-706 and furnishes proof of future financial responsibility as prescribed by Article 15 (§ 46.2-435 et seq.) of Chapter 3 of this title. However, when three years have elapsed from the date of the suspension herein required, the Commissioner may relieve such person of the requirement of furnishing proof of future financial responsibility. When such suspension results from a conviction for presenting or causing to be presented to the Commissioner false verification as to whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be registered is insured, then the Commissioner shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of such person so convicted for a period of 180 days from the date of such order of suspension, and only then when all other provisions of law have been complied with by such person.

F. Any person who violates any provision of this section by knowingly operating an uninsured motor vehicle owned by him without first having paid to the Commissioner the fee required by § 46.2-706 for the registration of an uninsured motor vehicle and is injured or killed in connection with the operation of such motor vehicle shall be deemed to have waived his right to recover for noneconomic loss

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60 incurred by him or his estate against a person complying with any of the methods of proving financial
61 responsibility under § 46.2-436. The operator or owner or the estate of such operator or owner shall be
62 entitled to recover all reasonable expenses arising from the accident for: reasonable and necessary
63 medical, surgical, x-ray, and dental services, including prosthetic devices; necessary ambulance,
64 hospital, professional nursing, and funeral services; and in the case of an income producer, any loss of
65 income suffered by such owner or operator of the statutory beneficiaries of his estate as a result of the
66 accident. An award for the benefits described in this subsection shall be conditioned upon the injured
67 person's furnishing reasonable medical proof of the injury causing the loss of income. The waiver
68 provided for in this subsection shall apply only to the owner of an uninsured motor vehicle.

69 G. The Commissioner shall suspend the driver's license of any person who is the operator but not the
70 titled owner of a motor vehicle upon receiving a record of his conviction of a violation of any
71 provisions of this section and he shall not thereafter reissue the driver's license until thirty days from the
72 date of such order of suspension.