

2001 SESSION

INTRODUCED

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HOUSE BILL NO. 1617

Offered January 10, 2001

Prefiled November 20, 2000

A BILL to amend and reenact § 46.2-410 of the Code of Virginia, relating to appeals from orders suspending or revoking license or registration.

Patrons—Griffith, Albo, Deeds, Joannou, Johnson, Kilgore, McEachin and Moran

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-410 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-410. Appeal from order suspending or revoking license or registration.

Any person aggrieved by an order or act of the Commissioner requiring suspension or revocation of a license or registration under the provisions of this chapter is entitled to judicial review in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.) a court of proper jurisdiction. No appeal shall lie in any case in which the suspension or revocation of the license or registration was mandatory except to determine the identity of the person concerned when the question of identity is in dispute. To correct an injustice, the court may modify the term of the suspension or revocation, issue a restricted license in accordance with the restrictions set forth in subsection D of § 18.2-271.1, reinstate the license or registration, or fashion any other proper equitable remedy.

From the final decision of the circuit court, either the person who petitioned the court for an appeal or the Commissioner shall have an appeal as of right to the Court of Appeals.

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