

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 46.2-410.1, relating to judicial*  
3 *review of revocation or suspension by Commissioner of Department of Motor Vehicles.*

4 [H 1617]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 46.2-410.1 as follows:**8 *§ 46.2-410.1 Judicial review of revocation or suspension by Commissioner.*

9 *A. Notwithstanding the provisions of § 46.2-410, when the Commissioner orders a revocation or*  
10 *suspension of a person's driver's license under the provisions of this chapter unless such revocation or*  
11 *suspension is required under § 46.2-390.1, the person so aggrieved may, in cases of manifest injustice,*  
12 *within sixty days of receipt of notice of the suspension or revocation, petition the circuit court of the*  
13 *jurisdiction wherein he resides for a hearing to review the Commissioner's order. Manifest injustice is*  
14 *defined as those instances where the Commissioner's order was the result of an error or was issued*  
15 *without authority or jurisdiction, or actually conflicts with a final order of a court in the*  
16 *Commonwealth. The person shall provide notice of his petition to the attorney for the Commonwealth of*  
17 *that jurisdiction.*

18 *B. At the hearing on the petition, if the court finds that the Commissioner's order is manifestly unjust*  
19 *the court may, notwithstanding any other provision of law, order the Commissioner to modify the order*  
20 *or issue the person a restricted license in accordance with the provisions of § 18.2-271.1. For any*  
21 *action under this section, no appeal shall lie from the determination of the circuit court.*

22 *C. This section shall not apply to any disqualification of eligibility to operate a commercial motor*  
23 *vehicle imposed by the Commissioner pursuant to Article 6.1 (§ 46.2-341.1 et seq.) of this chapter.*

ENROLLED

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