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HOUSE BILL NO. 1618

Offered January 10, 2001

Prefiled November 21, 2000

A *BILL to amend and reenact §§ 46.2-334.01 and 46.2-498 of the Code of Virginia, relating to driver's licenses and learner's permits issued to persons less than eighteen years old; driver improvement clinics; penalty.*

Patrons—Jones, J.C. and Bolvin

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-334.01 and 46.2-498 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-334.01. Licenses issued to persons less than eighteen years old subject to certain restrictions.

Any learner's permit or driver's license issued on or after July 1, 1998 2001, to any person less than eighteen years old shall be subject to the following:

1. *No motor vehicle being operated by any person less than eighteen years old shall be operated on the highways of the Commonwealth between the hours of midnight and 5:00 a.m.*

2. *No motor vehicle being operated by any person less than eighteen years old shall transport more than three passengers who are less than eighteen years old, except for members of his family. For the purpose of this subdivision, "members of the driver's family or household" means (i) the driver's spouse, whether or not he or she resides in the same home with the driver; (ii) the driver's former spouse, whether or not he or she resides in the same home with the driver; (iii) the driver's children, stepchildren, brothers, sisters, half brothers, and half sisters, whether or not they reside in the same home with the driver; (iv) the driver's brothers-in-law and sisters-in-law who reside in the same home with the driver; (v) any individual who has a child in common with the driver, whether or not the driver and that individual have been married or have resided together at any time; or (vi) any individual who cohabits or who, within the previous twelve months, cohabited with the driver, and any children of either of them residing in the same home with the driver.*

3. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less than eighteen years old shows that he has been convicted of (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) of this chapter or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of this title,

a. ~~The~~ the Commissioner shall direct such person to attend a driver improvement clinic. No safe driving points shall be awarded for such clinic attendance, nor shall any safe driving points be awarded for voluntary or court-assigned clinic attendance.

b. *No motor vehicle, while being operated by any person holding a learner's permit or driver's license subject to the restrictions contained in this section, shall transport more than three passengers, in addition to the driver, who are less than eighteen years old. This limitation, however, shall not apply to (i) members of the driver's family or household or (ii) a driver less than eighteen years old who is driving to or from either school or his place of employment. No citation for a violation of this subdivision shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. For the purpose of this subdivision, "members of the driver's family or household" means (i) the driver's spouse, whether or not he or she resides in the same home with the driver; (ii) the driver's former spouse, whether or not he or she resides in the same home with the driver; (iii) the driver's children, stepchildren, brothers, sisters, half brothers, and half sisters, whether or not they reside in the same home with the driver; (iv) the driver's brothers-in-law and sisters-in-law who reside in the same home with the driver; (v) any individual who has a child in common with the driver, whether or not the driver and that individual have been married or have resided together at any time; or (vi) any individual who cohabits or who, within the previous twelve months, cohabited with the driver, and any children of either of them residing in the same home with the driver.*

2 4. If any person less than eighteen years old is convicted a second time of (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) of this chapter or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of this title, the Commissioner shall suspend such person's driver's license or privilege to operate a motor vehicle for ninety days. Such suspension shall be consecutive to, and not concurrent

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59 with, any other period of license suspension, revocation or denial.

60 § 5. If any such person is convicted a third time of (i) an offense for which demerit points have been
61 assessed or are assessable under Article 19 (§ 46.2-489 et seq.) of this chapter or (ii) a violation of any
62 provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of this
63 title, the Commissioner shall revoke such person's driver's license or privilege to operate a motor vehicle
64 for one year or until such person reaches the age of eighteen years, whichever is longer. Such revocation
65 shall be consecutive to, and not concurrent with, any other period of license suspension, revocation or
66 denial.

67 § 6. In no event shall a driver who is under the age of eighteen and subject to the provisions of this
68 section, be subject to the suspension or revocation provisions of subdivision 2 4 or 3 5 of this section
69 for multiple convictions arising out of the same transaction or occurrence.

70 § 46.2-498. Driver improvement clinics; voluntary attendance.

71 A. Whenever the driving record of any person who is eighteen years old or older shows an
72 accumulation of at least twelve demerit points based on convictions for traffic offenses committed within
73 a period of twelve consecutive months, or at least eighteen demerit points based on convictions for
74 traffic offenses committed within a period of twenty-four consecutive months, respectively, the
75 Commissioner shall direct the person to attend a driver improvement clinic.

76 B. Except for those persons whose licenses are subject to the restrictions of *as provided in*
77 § 46.2-334.01, whenever the driving record of a person under the age of eighteen years shows an
78 accumulation of (i) at least nine points based on convictions for traffic offenses committed within a
79 period of twelve consecutive months or (ii) at least twelve points based on convictions for traffic
80 offenses committed within a period of twenty-four consecutive months, the Commissioner shall direct
81 the person to attend a driver improvement clinic and such person shall be subject to probation pursuant
82 to § 46.2-499.

83 C. Except as provided for in subsection D of this section and in §§ 46.2-334.01 and 46.2-505, every
84 person who attends a driver improvement clinic conducted by the Department or those businesses,
85 organizations, governmental entities or individuals certified by the Department to provide driver
86 improvement clinic instruction and who satisfactorily completes the clinic shall have five demerit points
87 subtracted from his total accumulation of demerit points, except in those instances where a person has
88 not accumulated five demerit points, in which case a reduction in demerit points and/or the award of
89 safe driving points will be made. No person shall be allowed to accumulate more than five safe driving
90 points.

91 Safe driving points shall be awarded or reductions in premium charges, as set forth in § 38.2-2217,
92 shall be received for the completion of a driver improvement clinic only once within a period of two
93 years from the date a person satisfactorily completes the clinic. Persons shall be eligible to voluntarily
94 attend a driver improvement clinic again for either safe driving points or a reduction in premium
95 charges, whichever was not awarded or received previously, one year from the date of satisfactory
96 completion of a driver improvement clinic in which safe driving points or a reduction in premium
97 charges was received or awarded.

98 D. Any resident or nonresident person holding a valid license to drive a motor vehicle in Virginia,
99 whether or not he has accumulated demerit points, may apply to any business, organization,
100 governmental entity or individual certified by the Department to provide driver improvement clinic
101 instruction for permission to attend a driver improvement clinic on a voluntary basis. Such businesses,
102 organizations, governmental entities or individuals may, when seating space is available, schedule the
103 person to attend a driver improvement clinic.

104 Persons who voluntarily attend and satisfactorily complete a driver improvement clinic shall be
105 eligible (i) to have five demerit points subtracted from their total accumulation of demerit points, except
106 in those instances where a person has not accumulated five demerit points, in which case a reduction in
107 demerit points and/or the award of safe driving points will be made, or (ii) to receive a reduction in
108 premium charges as set forth under § 38.2-2217, either of which, but not both, shall be awarded or
109 received no more than once in a two-year period, as set forth in subsection C of this section. Such
110 persons shall inform the business, organization or individual providing instruction if they are attending
111 to be awarded safe driving points or to receive a reduction in premium charges as set forth under
112 § 38.2-2217.