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HOUSE BILL NO. 2809

Offered January 19, 2001

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

Patrons—Bolvin and Rhodes

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-334.01 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-334.01. Licenses and learner's permits 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, to any person less than eighteen years old shall be subject to the following:

1. No driver who is less than eighteen years old shall use any wireless communication device while his vehicle is in motion.

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

3. 4. If any such person is convicted a third 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 revoke such person's driver's license or privilege to operate a motor vehicle for one year or until such person reaches the age of eighteen years, whichever is longer. Such revocation shall be consecutive to, and not concurrent with, any other period of license suspension, revocation or denial.

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

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