

## 2001 SESSION

INTRODUCED

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### SENATE BILL NO. 904

Offered January 10, 2001

Prefiled January 5, 2001

*A BILL to amend and reenact § 18.2-271 of the Code of Virginia, relating to forfeiture of driver's license for driving while intoxicated.*

Patrons—Mims, Howell and Ticer; Delegates: Albo, Almand, Amundson, Black, Brink, Callahan, Devolites, Dillard, Howell, Hull, Plum, Rust, Scott and Van Landingham

Referred to Committee for Courts of Justice

#### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 18.2-271 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-271. Forfeiture of driver's license for driving while intoxicated.

A. Except as provided in § 18.2-271.1, the judgment of conviction if for a first offense under § 18.2-266 or for a similar offense under any county, city, or town ordinance, or for a first offense under subsection A of § 46.2-341.24, shall of itself operate to deprive the person so convicted of the privilege to drive or operate any motor vehicle, engine or train in the Commonwealth for a period of one year from the date of such judgment. This suspension period shall be in addition to the suspension period provided under § 46.2-391.2.

B. Any adult convicted, or any juvenile found guilty, of violating § 18.2-266 or subsection A of § 46.2-341.24, or any substantially similar local ordinance, or law of any other jurisdiction, two or more times in any combination within ten years shall, upon the second conviction, have his driver's license revoked as provided in subsection A of § 46.2-391. *The court trying such case shall order the surrender of the person's driver's license, to be disposed of in accordance with § 46.2-398, and shall notify such person that his license has been revoked for a period of three years.* This suspension period shall be in addition to the suspension period provided under § 46.2-391.2. Any period of license suspension or revocation imposed pursuant to this section, in any case, shall run consecutively with any period of suspension for failure to permit a blood or breath sample to be taken as required by §§ 18.2-268.1 through 18.2-268.12 or §§ 46.2-341.26:1 through 46.2-341.26:11.

C. Any adult convicted, or any juvenile found guilty, of violating § 18.2-266 or subsection A of § 46.2-341.24, or any substantially similar local ordinance, or law of any other jurisdiction, three or more times in any combination within ten years shall not be eligible for participation in a program pursuant to § 18.2-271.1 and shall, upon the third conviction, have his license revoked as provided in subsection B of § 46.2-391. The court trying such case shall order the surrender of the person's driver's license, to be disposed of in accordance with § 46.2-398, and shall notify such person that his license has been revoked indefinitely.

D. Notwithstanding any other provision of this section, the period of license revocation or suspension shall not begin to expire until the person convicted has surrendered his license to the court or to the Department of Motor Vehicles.

E. The provisions of this section shall not apply to, and shall have no effect upon, any disqualification from operating a commercial motor vehicle imposed under the provisions of the Commercial Driver's License Act (§ 46.2-341.1 et seq.).

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