

# VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

## CHAPTER 60

*An Act to amend and reenact § 46.2-411 of the Code of Virginia, to amend the Code of Virginia by adding in Title 51.5 a chapter numbered 3.1, consisting of sections numbered 51.5-12.1 through 51.5-12.4, and to repeal Article 12 (§ 32.1-73.1 et seq.) of Chapter 2 of Title 32.1, relating to the Commonwealth Neurotrauma Initiative.*

[S 620]

Approved February 28, 2002

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

**1. That § 46.2-411 of the Code of Virginia is amended and reenacted, and the Code of Virginia is amended by adding in Title 51.5 a chapter numbered 3.1, consisting of sections numbered 51.5-12.1 through 51.5-12.4, as follows:**

§ 46.2-411. Reinstatement of suspended or revoked license or other privilege to operate or register a motor vehicle; proof of financial responsibility; reinstatement fee.

The Commissioner may refuse, after a hearing if demanded, to issue to any person whose license has been suspended or revoked any new or renewal license, or to register any motor vehicle in the name of the person, whenever he deems or in case of a hearing finds it necessary for the safety of the public on the highways in the Commonwealth.

Before granting or restoring a license or registration to any person whose driver's license or other privilege to drive motor vehicles or privilege to register a motor vehicle has been revoked or suspended pursuant to §§ 46.2-389, 46.2-391, 46.2-391.1 or § 46.2-417, the Commissioner shall require proof of financial responsibility in the future as provided in Article 15 (§ 46.2-435 et seq.) of this chapter, but no person shall be licensed who may not be licensed under the provisions of §§ 46.2-389 through 46.2-431.

Whenever the driver's license or registration cards, license plates and decals, or other privilege to drive or to register motor vehicles of any resident or nonresident person is suspended or revoked by the Commissioner or by a district court or circuit court pursuant to the provisions of Title 18.2 or this title, or any valid local ordinance, the order of suspension or revocation shall remain in effect and the driver's license, registration cards, license plates and decals, or other privilege to drive or register motor vehicles shall not be reinstated and no new driver's license, registration cards, license plates and decals, or other privilege to drive or register motor vehicles shall be issued or granted unless such person, in addition to complying with all other provisions of law, pays to the Commissioner a reinstatement fee of thirty dollars. The reinstatement fee shall be increased by thirty dollars whenever such suspension or revocation results from conviction of involuntary manslaughter in violation of § 18.2-36.1; conviction of maiming resulting from driving while intoxicated in violation of § 18.2-51.4; conviction of driving while intoxicated in violation of § 18.2-266 or § 46.2-341.24; conviction of driving after illegally consuming alcohol in violation of § 18.2-266.1 or failure to comply with court imposed conditions pursuant to subsection D of § 18.2-271.1; unreasonable refusal to submit to drug or alcohol testing in violation of § 18.2-268.2; conviction of driving while a license, permit or privilege to drive was suspended or revoked in violation of § 46.2-301 or § 46.2-341.21; disqualification pursuant to § 46.2-341.20; violation of driver's license probation pursuant to § 46.2-499; failure to attend a driver improvement clinic pursuant to § 46.2-503 or habitual offender interventions pursuant to former § 46.2-351.1; conviction of eluding police in violation of § 46.2-817; conviction of hit and run in violation of § 46.2-894; conviction of reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 or a conviction, finding or adjudication under any similar local ordinance, federal law or law of any other state. Five dollars of the additional amount shall be retained by the Department as provided in this section and twenty-five dollars shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund established pursuant to ~~Article 12 (§ 32.1-73.1 et seq.) of Chapter 2 of Title 32.1~~ *Chapter 3.1 (§ 51.5-12.1 et seq.) of Title 51.5*. When three years have elapsed from the termination date of the order of suspension or revocation and the person has complied with all other provisions of law, the Commissioner may relieve him of paying the reinstatement fee.

No reinstatement fee shall be required when the suspension or revocation of license results from the person's suffering from mental or physical infirmities or disabilities from natural causes not related to the use of self-administered intoxicants or drugs. No reinstatement fee shall be collected from any person whose license is suspended by a court of competent jurisdiction for any reason, other than a cause for mandatory suspension as provided in this title, provided the court ordering the suspension is not required by § 46.2-398 to forward the license to the Department during the suspended period.

Except as otherwise provided in this section and § 18.2-271.1, reinstatement fees collected under the provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

CHAPTER 3.1.  
THE COMMONWEALTH NEUROTRAUMA INITIATIVE.

§ 51.5-12.1. Definitions.

As used in this chapter:

"Advisory Board" means the Commonwealth Neurotrauma Initiative Advisory Board.

"Commissioner" means the Commissioner of Rehabilitative Services.

"Department" means the Department of Rehabilitative Services.

"Fund" means the Commonwealth Neurotrauma Initiative Trust Fund established pursuant to § 51.5-12.2.

"Neurotrauma" means an injury to the central nervous system, i.e., a traumatic spinal cord or brain injury which results in loss of physical and cognitive functions.

§ 51.5-12.2. Commonwealth Neurotrauma Initiative Trust Fund established.

A. For the purpose of preventing traumatic spinal cord or brain injuries and improving the treatment and care of Virginians with traumatic spinal cord or brain injuries, there is hereby created in the state treasury a special nonreverting fund to be known as the Commonwealth Neurotrauma Initiative Trust Fund, hereinafter referred to as the "Fund." The Fund shall be established on the books of the Comptroller as a revolving fund and shall be administered by the Commonwealth Neurotrauma Initiative Advisory Board, in cooperation with the Commissioner of Rehabilitative Services. The Fund shall consist of grants, donations and bequests from public and private sources and funds collected as provided in § 46.2-411. Such moneys shall be deposited into the state treasury to the credit of the Fund and shall be used for the purposes of this article.

B. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall be distributed according to the grant procedures established pursuant to § 51.5-12.4. Moneys in the Fund shall be used to support grants for Virginia-based organizations, institutions, and researchers as follows: (i) forty-seven and one-half percent shall be allocated for research on the mechanisms and treatment of neurotrauma, (ii) forty-seven and one-half percent shall be allocated for rehabilitative services, and (iii) five percent shall be allocated for the Department of Rehabilitative Services' costs for administering and staffing the Commonwealth Neurotrauma Initiative Advisory Board.

C. The Fund shall be administered by the Department of Rehabilitative Services.

§ 51.5-12.3. Commonwealth Neurotrauma Initiative Advisory Board established; membership; terms; duties and responsibilities.

A. For the purpose of administering, in coordination with the Commissioner of Health, the Commonwealth Neurotrauma Initiative Trust Fund, there is hereby established the Commonwealth Neurotrauma Initiative Advisory Board, hereinafter referred to as the Advisory Board. Organizational staff support shall be provided to the Commonwealth Neurotrauma Initiative Advisory Board by the Department of Rehabilitative Services.

The Advisory Board shall consist of seven members as follows: one person licensed to practice medicine in Virginia experienced with brain or spinal cord injury; one person licensed by a health regulatory board within the Department of Health Professions with experience in brain or spinal cord injury rehabilitative programs or services; one Virginian with traumatic spinal cord injury or a caretaker thereof; one Virginian with traumatic brain injury or a caretaker thereof; one citizen-at-large who shall not be an elected or appointed public official; the Commissioner of Rehabilitative Services; and the State Health Commissioner. The Commissioner of Rehabilitative Services and the Commissioner of Health may appoint designees to serve on the Advisory Board. Board members shall be appointed by the Governor. Nominations for appointments may be submitted, at the discretion of the Governor, from relevant organizations.

B. All members shall be appointed by the Governor for terms of four years. No member shall serve more than two successive terms of four years. The chairman shall be elected from the membership of the Advisory Board for a term of one year and shall be eligible for reelection. The Advisory Board shall meet at the call of the chairman or the Commissioner.

C. The Advisory Board shall:

1. Administer, in cooperation with the Commissioner of Rehabilitative Services, the Commonwealth Neurotrauma Initiative Trust Fund, in accordance with such regulations as shall be established for the Fund by the Commissioner;

2. Recommend to the Commissioner of Rehabilitative Services the policies and procedures for the administration of the Fund, including criteria for reviewing and ranking grant applications, distribution of funds, and areas of research need in accordance with the provisions of subsection B of § 51.5-12.2;

3. Review and rank or arrange for reviewers and technical advisers to review and rank grant applications for education, basic science and clinical research, and rehabilitative research and community-based rehabilitative services;

4. Report annually on October 1, to the Governor and the General Assembly, aggregate data on the operations and funding of the Commonwealth Neurotrauma Initiative Trust Fund.

D. The Advisory Board may appoint grant reviewers and other technical advisers to assist it in its

*duties. Such reviewers and technical advisers shall be appointed in such manner as to provide equal representation from Virginia's three medical schools. Whenever reviewers or technical advisers sit as a committee, the chairman of the Advisory Board or his designee shall serve as chairman.*

*§ 51.5-12.4. Procedures for grant applications.*

*The Commissioner of Rehabilitative Services shall promulgate regulations establishing procedures and policies for soliciting and receiving grant applications and criteria for reviewing and ranking such applications, including, but not limited to, goals, timelines, forms, eligibility, and mechanisms to ensure avoidance of any conflicts of interest or appearances thereof. The Commissioner shall receive the recommendations of the Advisory Board prior to promulgating or revising any such regulations.*

**2. That Article 12 (§ 32.1-73.1 et seq.) of Chapter 2 of Title 32.1 of the Code of Virginia is repealed.**

**3. That the Commonwealth Neurotrauma Initiative Advisory Board as appointed pursuant to § 32.1-73.3 shall be continued as provided in § 51.5-12.3.**

**4. That the regulations of the Board of Health and the grant application, review, and award procedures established pursuant to Article 12 (§ 32.1-73.1 et seq.) of Chapter 2 of Title 32.1 shall remain in force until the Commissioner of Rehabilitative Services promulgates regulations pursuant to this act.**