

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 671]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-271 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-271. Forfeiture of driver's license for driving while intoxicated.

9 A. Except as provided in § 18.2-271.1, the judgment of conviction if for a first offense under
10 § 18.2-266 or for a similar offense under any county, city, or town ordinance, or for a first offense
11 under subsection A of § 46.2-341.24, shall of itself operate to deprive the person so convicted of the
12 privilege to drive or operate any motor vehicle, engine or train in the Commonwealth for a period of
13 one year from the date of such judgment. This suspension period shall be in addition to the suspension
14 period provided under § 46.2-391.2.

15 B. If a person (i) is tried on a process alleging a second offense of violating § 18.2-266 or subsection
16 A of § 46.2-341.24, or any substantially similar local ordinance, or law of any other jurisdiction, *within*
17 *ten years* of a first offense for which the person was convicted, or found guilty in the case of a juvenile,
18 under § 18.2-266 or subsection A of § 46.2-341.24 or any valid local ordinance or any law of any other
19 jurisdiction substantially similar to § 18.2-266 or subsection A of § 46.2-341.24 and (ii) is convicted
20 thereof, such conviction shall of itself operate to deprive the person so convicted of the privilege to
21 drive or operate any motor vehicle, engine or train in the Commonwealth for a period of three years
22 from the date of the judgment of conviction and such person shall have his license revoked as provided
23 in subsection A of § 46.2-391. The court trying such case shall order the surrender of the person's
24 driver's license, to be disposed of in accordance with § 46.2-398, and shall notify such person that his
25 license has been revoked for a period of three years and that the penalty for violating that revocation is
26 as set out in § 46.2-391. This suspension period shall be in addition to the suspension period provided
27 under § 46.2-391.2. Any period of license suspension or revocation imposed pursuant to this section, in
28 any case, shall run consecutively with any period of suspension for failure to permit a blood or breath
29 sample to be taken as required by §§ 18.2-268.1 through 18.2-268.12 or §§ 46.2-341.26:1 through
30 46.2-341.26:11.

31 C. If a person (i) is tried on a process alleging a third or subsequent offense of violating § 18.2-266
32 or subsection A of § 46.2-341.24, or any substantially similar local ordinance, or law of any other
33 jurisdiction, within ten years of two other offenses for which the person was convicted, or found not
34 guilty in the case of a juvenile, under § 18.2-266 or subsection A of § 46.2-341.24 or any valid local
35 ordinance or any law of any other jurisdiction substantially similar to § 18.2-266 or subsection A of
36 § 46.2-341.24 and (ii) is convicted thereof, such conviction shall of itself operate to deprive the person
37 so convicted of the privilege to drive or operate any motor vehicle, engine or train in the
38 Commonwealth and such person shall not be eligible for participation in a program pursuant to
39 § 18.2-271.1 and shall, upon such conviction, have his license revoked as provided in subsection B of
40 § 46.2-391. The court trying such case shall order the surrender of the person's driver's license, to be
41 disposed of in accordance with § 46.2-398, and shall notify such person that his license has been
42 revoked indefinitely and that the penalty for violating that revocation is as set out in § 46.2-391.

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

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

ENROLLED

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