

2003 SESSION

HOUSE SUBSTITUTE

031834736

HOUSE BILL NO. 1944

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 31, 2003)

(Patron Prior to Substitute—Delegate Drake)

A BILL to amend and reenact § 46.2-427 of the Code of Virginia, relating to license suspensions for failure to pay judgments.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-427 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-427. When suspensions to remain effective; relief from furnishing proof of financial responsibility; prohibition against registration in name of another person.

The suspension required by the provisions of § 46.2-417 shall continue except as otherwise provided by §§ 46.2-421 and 46.2-423 until the person satisfies the judgment or judgments as prescribed in § 46.2-419 and gives proof of his financial responsibility in the future. *However, the person so suspended may petition the court that entered the judgment, or the circuit court in the county or city where the person resides, for reinstatement of his driving privilege and the court may order reinstatement, even though the judgment has not been satisfied, provided the person so suspended proves to the satisfaction of the court that the person so suspended (i) is unable, after examination of the records of the Department reflecting that suspension and the exercise of due diligence, to locate the person to whom payment is due or, if the person to whom payment is due is dead, the person so suspended is unable to identify either who are his heirs and assigns, or where they are located, and (ii) has paid into the Commonwealth Unclaimed Property Fund an amount equal to the judgment, court costs, and all interest which has accrued up to the date payment was made to the fund.*

The motor vehicle involved in the accident on which the suspension under § 46.2-417 is based shall not be registered in the name of any other person when the Commissioner has reasonable grounds to believe that the registration of the vehicle will have the effect of defeating the purpose of the chapter and no other motor vehicle shall be registered, and no driver's license or learner's permit shall be issued in the name of the person suspended, except as prescribed in § 46.2-437 until the suspension is terminated.

This section shall not relieve any person from giving or maintaining proof of his financial responsibility when he is required so to do for some reason rather than having been involved in a motor vehicle accident.

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