

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-322 of the Code of Virginia, relating to examination of licensees;*
3 *confidential sources of information.*

4 [H 272]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-322 of the Code of Virginia is amended and reenacted as follows:**

8 § 46.2-322. Examination of licensee believed incompetent; suspension, or restriction of license;
9 license application to include questions as to physical or mental conditions of applicant; false answers;
10 examination of applicant; physician's statement.

11 A. If the Department has good cause to believe that a driver is incapacitated and therefore unable to
12 drive a motor vehicle safely, after written notice of at least ~~fifteen~~ 15 days to the person, it may require
13 him to submit to an examination to determine his fitness to drive a motor vehicle. If the driver so
14 requests in writing, the Department shall give the Department's reasons for the examination, including
15 the identity of all persons who have supplied information to the Department regarding the driver's fitness
16 to drive a motor vehicle. However, the Department shall not supply the reasons or information if its
17 source is a relative of the driver or a physician, *a pharmacist, or another licensed medical professional*
18 *as defined in § 38.2-602 treating, or prescribing medications for,* the driver.

19 B. As a part of its examination, the Department may require a physical examination by a licensed
20 physician and a report on the results thereof. When it has completed its examination, the Department
21 shall take whatever action may be appropriate and may suspend the license or privilege to drive a motor
22 vehicle in the Commonwealth of the person or permit him to retain his license or privilege to drive a
23 motor vehicle in the Commonwealth, or may issue a license subject to the restrictions authorized by
24 § 46.2-329. Refusal or neglect of the person to submit to the examination or comply with restrictions
25 imposed by the Department shall be grounds for suspension of his license or privilege to drive a motor
26 vehicle in the Commonwealth.

27 C. The Commissioner shall include, as a part of the application for an original driver's license, or
28 renewal thereof, questions as to the existence of physical or mental conditions ~~which~~ *that* impair the
29 ability of the applicant to drive a motor vehicle safely. Any person knowingly giving a false answer to
30 any such question shall be guilty of a Class 2 misdemeanor. If the answer to any such question indicates
31 the existence of such condition, the Commissioner shall require an examination of the applicant by a
32 licensed physician as a prerequisite to the issuance of the driver's license. The report of the examination
33 shall contain a statement that, in the opinion of the physician, the applicant's physical or mental
34 condition at the time of the examination does or does not preclude his safe driving of motor vehicles.