

# VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

## CHAPTER 589

*An Act to amend and reenact § 46.2-388 of the Code of Virginia, relating to uniform summons to be used for reportable motor vehicle law violations; citations.*

[H 2508]

Approved March 22, 2005

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

**1. That § 46.2-388 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-388. Uniform summons to be used for reportable motor vehicle law violations; citations.

A. The Attorney General, after consultation with the Committee on District Courts, the Superintendent of State Police and the Commissioner, shall approve a form for the summons *to be issued in either an electronic or paper format* and all revisions to the form to be used by all law-enforcement officers throughout the Commonwealth in cases of motor vehicle law violations reportable to the Department under the provisions of §§ 46.2-382 and 46.2-383 and for other offenses charged on a summons pursuant to § 19.2-74. The commencement and termination date for the use of the form and each revised version of the form shall be made by the Attorney General after consultation with the Committee on District Courts, the Superintendent of State Police and the Commissioner. *The law-enforcement agency issuing the summons shall determine whether to use an electronic or paper format.*

The form of the summons shall include multiple copies with the original to be used for court records and other copies in sufficient number to permit the use of one copy by the courts for purposes of filing abstracts of records with the Department as required by § 46.2-383 and shall be a form prepared by the Department within the meaning of § 46.2-386. The form of the summons shall also include appropriate space for use in cases of violation of either state laws or local ordinances.

B. A separate citation which has been approved in the manner prescribed in subsection A ~~of this section~~ shall be used for violations of §§ 46.2-1122 through 46.2-1127 and 46.2-1130. The citation shall be directed to the owner, operator or other person responsible for the overweight violation, and shall advise him of:

1. The nature of the violation charged against him;
2. The amount of monetary fees, penalties, and damages that may be assessed for violations;
3. The requirement that he either pay the fees, penalties, and damages in full or deliver a notice of his intent to contest the charge to the Department;
4. The procedures and time limits for making the payments or contesting such charge, which shall include the trial date, which shall in no event be earlier than ~~sixty~~ 60 days after the violation; and
5. The consequences of a failure to timely pay or contest the charge.