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SENATE BILL NO. 967

Offered January 12, 2005

Prefiled January 11, 2005

A BILL to amend the Code of Virginia by adding a section numbered 46.2-206.1, relating to imposition of certain additional fees on certain drivers.

Patrons—O'Brien and Devolites Davis

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-206.1 as follows:

§ 46.2-206.1. Imposition of certain additional fees on certain drivers; special fund created to support issuance of transportation construction bonds.

A. The Commissioner shall impose and collect the following fees, which shall be in addition to any other fees, costs, or penalties imposed on persons to whom Virginia driver's licenses and commercial driver's licenses have been issued pursuant to Chapter 3 (§ 46.2-300 et seq.) of this title:

1. Every driver whose driver's record with the Department on July 1 of each year shows, after allowing for any safe driving points awarded as provided in § 46.2-494, a net balance of six or more driver demerit points shall be assessed a fee of \$100 plus \$50 for each demerit point in excess of six. Fees assessable under this subdivision shall be calculated, assessed, and collected annually.

2. Every driver whose driver's record with the Department shows a conviction for reckless driving in violation of Article 7 (§ 46.2-800 et seq.) of Chapter 8 of this title or aggressive driving in violation of § 46.2-868.1 shall be assessed an annual fee of \$250 for the first three years following each such conviction.

3. Every driver whose driver's record with the Department shows a conviction for driving while his driver's license was suspended or revoked pursuant to § 18.2-272 of Article 1 (§ 46.2-300 et seq.) of Chapter 3 of this title shall be assessed an annual fee of \$200 for the first three years following each such conviction.

4. Every driver whose driver's record with the Department shows a conviction for driving while intoxicated in violation of any provision of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 or any parallel provision of a local ordinance or the laws of another state shall be assessed an annual fee of \$300 for the first three years following each such conviction.

5. Every driver whose driver's record with the Department shows a misdemeanor conviction for a violation of § 46.2-105.1, 46.2-105.2, 46.2-722, 46.2-832, 46.2-894, 46.2-895, 46.2-896, 46.2-921.1, or 46.2-933 shall be assessed an annual fee of \$150 for the first three years following each such conviction.

No more than one fee as provided for in this section shall be assessed and collected against a single driver in any 12-month period. If more than one such fee is assessable in any 12-month period, the Department shall assess and collect the largest of the fees so assessable.

The Department shall notify every person assessed a fee under this section by mailing a notice thereof by first-class mail addressed to the person's most recent address as shown in the Department's records.

Persons disputing material facts and/or legal issues regarding any such assessment may have a hearing thereon before the Commissioner, provided a written request therefor is received by the Department within 30 days of the date on which the notice of assessment was mailed by the Department.

The Department may, by regulation, provide for payment options by which persons assessed fees under this section may pay fees in installments. If any assessment made under this section remains unpaid 60 days following the date on which the notice of assessment was mailed and no arrangements have been made with the Department for payment of such assessment in installments as authorized herein, the Department shall, pursuant to Article 1 of Chapter 3 of this title suspend the driver's license of the person against whom the assessment was imposed and the Commissioner may institute civil proceedings in any court of competent jurisdiction to recover fees. The Commissioner shall be entitled to collect all costs of collection, including but not limited to attorneys fees.

B. Funds collected through the imposition of fees as provided in subsection A shall be used first to pay the Department's costs in imposing and collecting such assessments and any remainder shall be deposited into the state treasury and credited to a special permanent nonreverting fund to be used by the General Assembly to support the issuance of bonds whose proceeds shall be used to support

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59 *transportation construction, reconstruction, maintenance, maintenance replacement, and/or improvement*
60 *projects in the highway construction district wherein the offenses leading to the imposition of fees under*
61 *this section were committed.*