

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-272 of the Code of Virginia, relating to third offense of driving*
3 *while license, permit, or privilege to drive suspended or revoked; penalty.*

4
5 Approved

[H 102]

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

7 **1. That § 18.2-272 of the Code of Virginia are amended and reenacted as follows:**

8 § 18.2-272. Driving after forfeiture of license.

9 A. Any person who drives or operates any motor vehicle, engine or train in the Commonwealth
10 during the time for which he was deprived of the right to do so (i) upon conviction of a violation of
11 § 18.2-268.3 or of an offense set forth in subsection E of § 18.2-270, (ii) by § 18.2-271 or 46.2-391.2,
12 (iii) after his license has been revoked pursuant to § 46.2-389 or 46.2-391, or (iv) in violation of the
13 terms of a restricted license issued pursuant to subsection E of § 18.2-271.1, is guilty of a Class 1
14 misdemeanor, except as otherwise provided in § 46.2-391, and is subject to administrative revocation of
15 his driver's license pursuant to §§ 46.2-389 and 46.2-391. *Any person convicted of a third offense in 10*
16 *years of a violation of this section shall be guilty of a Class 6 felony.*

17 Nothing in this section or § 18.2-266, 18.2-270 or 18.2-271, shall be construed as conflicting with or
18 repealing any ordinance or resolution of any city, town or county which restricts still further the right of
19 such persons to drive or operate any such vehicle or conveyance.

20 B. Regardless of compliance with any other restrictions on his privilege to drive or operate a motor
21 vehicle, it shall be a violation of this section for any person whose privilege to drive or operate a motor
22 vehicle has been restricted, suspended or revoked because of a violation of § 18.2-36.1, 18.2-51.4,
23 18.2-266, 18.2-268.3, 46.2-341.24, or a similar ordinance or law of another state or the United States to
24 drive or operate a motor vehicle while he has a blood alcohol content of 0.02 percent or more.

25 Any person suspected of a violation of this subsection shall be entitled to a preliminary breath test in
26 accordance with the provisions of § 18.2-267, shall be deemed to have given his implied consent to have
27 samples of his blood, breath or both taken for analysis pursuant to the provisions of § 18.2-268.2, and,
28 when charged with a violation of this subsection, shall be subject to the provisions of §§ 18.2-268.1
29 through 18.2-268.12.

30 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
31 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is**
32 **~~\$1,539,294~~ \$138,120 for periods of imprisonment in state adult correctional facilities and is \$0 for**
33 **periods of commitment to the custody of the Department of Juvenile Justice.**

34 **3. That the provisions of this act shall not become effective unless an appropriation of general**
35 **funds effectuating the purposes of this act is included in the general appropriations act passed by**
36 **the 2006 Session of the General Assembly, which becomes law.**

ENROLLED

HB102ER