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HOUSE BILL NO. 739

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact § 46.2-316 of the Code of Virginia, relating to the issuance of driver's licenses to persons convicted of certain offenses; insurance required.

Patrons—Iaquinto and Welch

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-316 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-316. Persons convicted or found not innocent of certain offenses; requirement of proof of financial responsibility for certain offenses.

A. The Department shall not issue a driver's license or learner's permit to any resident or nonresident person while his license or other privilege to drive is suspended or revoked because of his conviction, or finding of not innocent in the case of a juvenile, or forfeiture of bail upon the following charges of offenses committed in violation of either a law of the Commonwealth or a valid local ordinance or of any federal law or law of any other state or any valid local ordinance of any other state:

1. Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

2. Perjury, the making of a false affidavit to the Department under any law requiring the registration of motor vehicles or regulating their operation on the highways, or the making of a false statement in any application for a driver's license.

3. Any crime punishable as a felony under the motor vehicle laws or any felony in the commission of which a motor vehicle is used.

4. Violation of the provisions of § 18.2-51.4, pertaining to maiming while under the influence, § 18.2-266, pertaining to driving while under the influence of intoxicants or drugs, or of § 18.2-272, pertaining to driving while the driver's license has been forfeited for a conviction, or finding of not innocent in the case of a juvenile, under §§ 18.2-51.4, 18.2-266 or § 18.2-272, or for violation of the provisions of any federal law or law of any other state or any valid local ordinance similar to §§ 18.2-51.4, 18.2-266 or § 18.2-272.

5. Failure of a driver of a motor vehicle, involved in an accident resulting in death or injury to another person, to stop and disclose his identity at the scene of the accident.

6. On a charge of operating or permitting the operation, for the second time, of a passenger automobile for the transportation of passengers for rent or for hire, without having first obtained a license for the privilege as provided in § 46.2-694.

B. ~~The~~ Except as provided in subsection C, the Department shall not issue a driver's license or learner's permit to any person convicted of a crime mentioned in subsection A of this section for a further period of three years after he otherwise becomes entitled to a license or permit until he proves to the Commissioner his ability to respond in damages as provided in Article 15 (§ 46.2-435 et seq.) of Chapter 3 of this title or any other law of the Commonwealth requiring proof of financial responsibility.

C. In addition to the prohibition on licensure set forth in subsection A, the Department shall not issue or reinstate a driver's license or learner's permit to any person convicted of a crime mentioned in subdivision A 4 for a period of seven years after the person's conviction of such a crime unless he proves to the Commissioner that he is an insured person under a motor vehicle liability insurance policy that satisfies the requirements of § 46.2-472 except that the limits of coverage exclusive of interest and costs, with respect to each motor vehicle insured under the policy, shall be not less than \$50,000 because of bodily injury to or death of one person in any one accident, not less than \$100,000 because of bodily injury to or death of two or more persons in any one accident, and not less than \$40,000 because of injury to or destruction of property of others in any one accident.

INTRODUCED

HB739