

# 2006 SPECIAL SESSION I

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## HOUSE BILL NO. 5034

Offered September 5, 2006

A *BILL to amend the Code of Virginia by adding a section numbered 46.2-206.1, relating to certain additional fees imposed on certain drivers; and funding of asset management in the Highway Maintenance and Operating Fund.*

Patrons—Rust, Albo, Athey, Cosgrove, Gear, May, McQuigg, O'Bannon, Purkey, Reid and Wardrup

Referred to Committee for Courts of Justice

### **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; disposition of revenue to Highway Maintenance and Operating Fund.*

A. *The purpose of the civil remedial fees imposed in this section is to generate revenue from drivers whose proven dangerous driving behavior places significant financial burdens upon the Commonwealth. The civil remedial fees established by this section shall be in addition to any other fees, costs, or penalties imposed pursuant to the Code of Virginia.*

B. *The civil remedial fees established by this section shall be assessed on any person operating a motor vehicle on the highways of Virginia, including persons to whom Virginia driver's licenses, commercial driver's licenses, or learner's permits have been issued pursuant to this title, persons operating motor vehicles without licenses or whose license has been revoked or suspended, and persons operating motor vehicles with a license issued by a jurisdiction outside Virginia.*

C. *Beginning July 1, 2007, the clerk of the court shall assess a person with the following fees upon each conviction of the following offenses:*

1. *Driving while his driver's license was suspended or revoked pursuant to § 18.2-272, 46.2-301, 46.2-302, 46.2-341.21, or 46.2-391 shall be assessed a fee of \$250;*

2. *Reckless driving or aggressive driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of this title or any felony for any driving and/or motor vehicle related offense under Title 18.2 or this title shall be assessed a fee of \$350;*

3. *Driving while intoxicated in violation of § 18.2-266, 18.2-266.1, or 46.2-341.24 shall be assessed a fee of \$750;*

4. *Any other misdemeanor conviction for a driving and/or motor vehicle related violation of Title 18.2 or this title which is not included in one of the preceding three subdivisions of this subsection shall be assessed a fee of \$300.*

D. *The Court may order suspension of the driver's license as provided in § 46.2-395 of any person failing to pay the fees assessed in accordance with subsection C.*

E. *For all convictions reported to the Department for which fees are established under subdivisions C 1 through C 4, the Commissioner shall impose and collect the same fee amount on the second and third year anniversary of the conviction being reported to the Department. The Department shall notify every person assessed a fee under this provision by mailing a notice thereof by first-class mail addressed to such person's most recent address as shown in the Department's records, and such mailing shall constitute notice to the person of the assessment of the fee.*

F. *Any person whose driver's record with the Department shows a balance of eight or more driver demerit points on July 15 shall be assessed a fee of \$250 plus \$50 for each demerit point in excess of eight, but not greater than \$450. The Commissioner shall assess such fees annually, beginning on July 15, 2007. The Department shall notify each person assessed a fee under this subsection by mailing a notice thereof by first-class mail addressed to such person's most recent address as shown in the Department's records, and such mailing shall constitute notice to the person of the assessment of the fee. These fees shall be in addition to the fees set forth in subsections C and E.*

G. *If any assessment made under subsection D remains unpaid 60 days following the date on which the notice of assessment was mailed, the Department shall suspend the driver's license of the person upon whom the assessment was imposed. No license shall be reissued or reinstated until all fees assessed have been paid.*

H. *For the purposes of this section, a finding of guilty in the case of a juvenile and a conviction under substantially similar laws of any other state or of the United States shall be a conviction.*

I. *If a person disputes a conviction on his driver record based upon identity, if the person presents the Department a certified copy of a petition to a court of competent jurisdiction seeking to vacate an order of such conviction, the Department shall suspend the imposition of the assessment. Such*

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59 *suspension shall be valid for one year from the date of commencement or until 30 days after an entry of*  
60 *a final order on such petition, whichever first occurs.*

61 *J. Funds collected through the imposition of the fees provided for in this section shall be used first*  
62 *to pay the Department's costs in imposing and collecting such assessments as provided in the general*  
63 *appropriation act, and any remainder shall be deposited into the Highway Maintenance and Operating*  
64 *Fund and used as outlined in §§ 2.2-1509.2 and 33.1-23.02.*

65 **2. That the revenue generated by this act shall be used solely for transportation purposes.**

66 **3. That the provisions of this act shall expire on December 31 of any year in which the General**  
67 **Assembly appropriates any of the revenue generated under this act for any purpose other than**  
68 **transportation.**