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HOUSE BILL NO. 1686

Offered January 10, 2007

Prefiled December 11, 2006

A *BILL to amend and reenact § 46.2-389 of the Code of Virginia, relating to suspension of license pending appeal of DUI conviction.*

Patron—Toscano

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-389 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-389. Required revocation for one year upon conviction or finding of guilty of certain offenses; exceptions.

A. The Commissioner shall forthwith revoke, and not thereafter reissue for a period of time specified in subsection B, except as provided in § 18.2-271 or § 18.2-271.1, the driver's license of any resident or nonresident on receiving a record of his conviction or a record of his having been found guilty in the case of a juvenile of any of the following crimes, committed in violation of a state law or a valid county, city, or town ordinance or law of the United States, or a law of any other state, substantially paralleling and substantially conforming to a like state law and to all changes and amendments of it:

1. Voluntary or involuntary manslaughter resulting from the driving of a motor vehicle;
2. Violation of § 18.2-266 or § 18.2-272, or subsection A of § 46.2-341.24 or violation of a substantially similar local ordinance;
3. Perjury or the making of a false affidavit to the Department under this chapter or any other law of the Commonwealth requiring the registration of motor vehicles or regulating their operation on the highways;
4. The making of a false statement to the Department on any application for a driver's license;
5. Any crime punishable as a felony under the motor vehicle laws of the Commonwealth or any other felony in the commission of which a motor vehicle is used;
6. Failure to stop and disclose his identity at the scene of the accident, on the part of a driver of a motor vehicle involved in an accident resulting in the death of or injury to another person; or
7. Violation of § 18.2-36.1 or § 18.2-51.4.

B. Upon conviction of an offense set forth in subsection A, the person's driver's license shall be revoked for one year; however, for a violation of subdivision A 1 or A 7, the driver's license shall be revoked as provided in subsection B of § 46.2-391. However, in no such event shall the Commissioner reinstate the driver's license of any person convicted of a violation of § 18.2-266, or of a substantially similar valid local ordinance or law of another jurisdiction, until receipt of notification that such person has successfully completed an alcohol safety action program if such person was required by a court to do so unless the requirement for completion of the program has been waived by the court for good cause shown.

C. *Notwithstanding the provisions of § 46.2-398, when a person is convicted of an offense set forth in subdivision A 2 and appeals the judgment to the circuit court, the Commissioner shall not revoke that person's license until the appeal is withdrawn or the person is convicted in the circuit court. When a person appeals a judgment from the circuit court to the Court of Appeals and the circuit court provides that the execution of the sentence is suspended pending the outcome of the appeal, the Commissioner shall not revoke that person's license until the appeal is withdrawn or the judgment is affirmed at the completion of the appeals process.*

INTRODUCED

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