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## SENATE BILL NO. 1262

Offered January 10, 2007

Prefiled January 10, 2007

A *BILL to amend and reenact § 18.2-272 of the Code of Virginia, relating to notice of revocation of driver's license.*

\_\_\_\_\_  
Patron—Herring

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-272 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-272. Driving after forfeiture of license.

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of an offense set forth in subsection E of § 18.2-270, (ii) by § 18.2-271 or 46.2-391.2, (iii) after his license has been revoked pursuant to § 46.2-389 or 46.2-391, or (iv) in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1, is guilty of a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

*The court trying the case resulting in a conviction under this section shall (i) suspend the person's license or privilege to drive a motor vehicle for the additional period of time for which administrative revocation is provided for in §§ 46.2-389 and 46.2-391; (ii) notify such person of the foregoing suspension and the impending administrative revocation of his driver's license pursuant to §§ 46.2-389 and 46.2-391; (iii) order such person to surrender his driver's license to be disposed of in accordance with the provisions of § 46.2-398; and (iv) notify the Department of Motor Vehicles of any such conviction entered, the license forfeiture to be imposed, and the notification of suspension and revocation given. If the foregoing notice from the court to the Department of Motor Vehicles fails to expressly indicate that the person's license or privilege to drive a motor vehicle has been suspended for the additional period of time for which administrative revocation is provided for in §§ 46.2-389 and 46.2-391, then the Commissioner shall forthwith revoke the driver's license pursuant to §§ 46.2-389 and 46.2-391. A person whose license or privilege to drive a motor vehicle is suspended and notification of the suspension and of the impending administrative revocation of his license is given by the court pursuant to this subsection shall be deemed to have received actual notice of the suspension of his license or privilege to drive a motor vehicle and of the administrative revocation of his license pursuant to §§ 46.2-389 and 46.2-391.*

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

B. Regardless of compliance with any other restrictions on his privilege to drive or operate a motor vehicle, it shall be a violation of this section for any person whose privilege to drive or operate a motor vehicle has been restricted, suspended or revoked because of a violation of § 18.2-36.1, 18.2-51.4, 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 drive or operate a motor vehicle while he has a blood alcohol content of 0.02 percent or more.

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