

2008 SESSION

INTRODUCED

080567436

HOUSE BILL NO. 1221

Offered January 9, 2008

Prefiled January 9, 2008

A *BILL to amend the Code of Virginia by adding a section numbered 46.2-341.24:1, relating to commercial drivers; implied consent to drug and alcohol tests.*

Patrons—Bowling; Senator: Puckett

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-341.24:1 as follows:

§ 46.2-341.24:1. *Accident constitutes implied consent to chemical test to determine alcohol or drug content of blood of commercial driver; accident as reasonable suspicion.*

Any person who operates a commercial motor vehicle upon a highway in the Commonwealth shall be deemed thereby, as a condition of such operation, to have consented to have samples of his blood, breath, or both blood and breath taken for a chemical test to determine the alcohol, drug, or both alcohol and drug content of his blood, if he is involved in an accident required to be reported pursuant to § 46.2-373 while operating a commercial motor vehicle upon a highway in the Commonwealth. The provisions of this article shall apply mutatis mutandis as if the driver had been arrested for a violation of § 46.2-341.24 or 46.2-341.31. Law enforcement shall treat any person who operates a commercial motor vehicle upon a highway in the Commonwealth and who is involved in an accident required to be reported pursuant to § 46.2-373 as though he is reasonably suspected of a violation of § 46.2-341.24 or of having any alcohol in his blood while driving or operating a motor vehicle and shall request that the person provide a sample of his breath, blood, or both blood and breath for testing to determine the alcohol, drug, or both alcohol and drug content of his blood.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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