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## HOUSE BILL NO. 161

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation  
on February 7, 2008)

(Patron Prior to Substitute—Delegate Albo)

A BILL to amend and reenact §§ 18.2-35, 18.2-36, 18.2-36.1, 18.2-51.4, 18.2-270, 46.2-341.19, 46.2-341.28, 46.2-357, 46.2-391, 46.2-817, 46.2-865.1, 46.2-868, and 46.2-894 of the Code of Virginia, relating to mandatory minimum fines for traffic crimes.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-35, 18.2-36, 18.2-36.1, 18.2-51.4, 18.2-270, 46.2-341.19, 46.2-341.28, 46.2-357, 46.2-391, 46.2-817, 46.2-865.1, 46.2-868, and 46.2-894 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-35. How voluntary manslaughter punished.

Voluntary manslaughter is punishable as a Class 5 felony. *In addition, where the death of a person was proximately caused by the defendant's operation of a motor vehicle, there shall be a mandatory minimum fine of \$2,500.*

§ 18.2-36. How involuntary manslaughter punished.

Involuntary manslaughter is punishable as a Class 5 felony. *In addition, where the death of a person was proximately caused by the defendant's operation of a motor vehicle, there shall be a mandatory minimum fine of \$2,500.*

§ 18.2-36.1. Certain conduct punishable as involuntary manslaughter.

A. Any person who, as a result of driving under the influence in violation of clause (ii), (iii), or (iv) of § 18.2-266 or any local ordinance substantially similar thereto unintentionally causes the death of another person, shall be guilty of involuntary manslaughter.

B. If, in addition, the conduct of the defendant was so gross, wanton and culpable as to show a reckless disregard for human life, he shall be guilty of aggravated involuntary manslaughter, a felony punishable by a term of imprisonment of not less than one nor more than 20 years, one year of which shall be a mandatory minimum term of imprisonment.

C. The provisions of this section shall not preclude prosecution under any other homicide statute. This section shall not preclude any other revocation or suspension required by law. The driver's license of any person convicted under this section shall be revoked pursuant to subsection B of § 46.2-391.

D. *Any person violating any provision of this section shall be assessed a mandatory minimum fine of \$2,500.*

§ 18.2-51.4. Maiming, etc., of another resulting from driving while intoxicated.

A. Any person who, as a result of driving while intoxicated in violation of § 18.2-266 or any local ordinance substantially similar thereto in a manner so gross, wanton and culpable as to show a reckless disregard for human life, unintentionally causes the serious bodily injury of another person resulting in permanent and significant physical impairment shall be guilty of a Class 6 felony. *In addition, such person shall be fined a mandatory minimum fine of \$2,500.* The driver's license of any person convicted under this section shall be revoked pursuant to subsection B of § 46.2-391.

B. The provisions of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 shall apply, mutatis mutandis, upon arrest for a violation of this section.

§ 18.2-270. Penalty for driving while intoxicated; subsequent offense; prior conviction.

A. Except as otherwise provided herein, any person violating any provision of § 18.2-266 shall be guilty of a Class 1 misdemeanor with a mandatory minimum fine of ~~\$250~~ \$2,250. If the person's blood alcohol level as indicated by the chemical test administered as provided in this article was at least 0.15, but not more than 0.20, he shall be confined in jail for an additional mandatory minimum period of five days or, if the level was more than 0.20, for an additional mandatory minimum period of 10 days.

B. 1. Any person convicted of a second offense committed within less than five years after a prior offense under § 18.2-266 shall upon conviction of the second offense be punished by a mandatory minimum fine of ~~\$500~~ \$2,250 and by confinement in jail for not less than one month nor more than one year. Twenty days of such confinement shall be a mandatory minimum sentence.

2. Any person convicted of a second offense committed within a period of five to 10 years of a prior offense under § 18.2-266 shall upon conviction of the second offense be punished by a mandatory minimum fine of ~~\$500~~ \$2,250 and by confinement in jail for not less than one month. Ten days of such confinement shall be a mandatory minimum sentence.

3. Upon conviction of a second offense within 10 years of a prior offense, if the person's blood alcohol level as indicated by the chemical test administered as provided in this article was at least 0.15, but not more than 0.20, he shall be confined in jail for an additional mandatory minimum period of 10

60 days or, if the level was more than 0.20, for an additional mandatory minimum period of 20 days. In  
61 addition, such person shall be fined a mandatory minimum fine of ~~\$500~~ \$2,250.

62 C. 1. Any person convicted of three offenses of § 18.2-266 committed within a 10-year period shall  
63 upon conviction of the third offense be guilty of a Class 6 felony. The sentence of any person convicted  
64 of three offenses of § 18.2-266 committed within a 10-year period shall include a mandatory minimum  
65 sentence of 90 days, unless the three offenses were committed within a five-year period, in which case  
66 the sentence shall include a mandatory minimum sentence of confinement for six months. In addition,  
67 such person shall be fined a mandatory minimum fine of ~~\$1,000~~ \$2,500.

68 2. The punishment of any person convicted of a fourth or subsequent offense of § 18.2-266  
69 committed within a 10-year period shall, upon conviction, include a mandatory minimum term of  
70 imprisonment of one year. In addition, such person shall be fined a mandatory minimum fine of ~~\$1,000~~  
71 \$2,500. Unless otherwise modified by the court, the defendant shall remain on probation and under the  
72 terms of any suspended sentence for the same period as his operator's license was suspended, not to  
73 exceed three years.

74 3. The vehicle solely owned and operated by the accused during the commission of a felony  
75 violation of § 18.2-266 shall be subject to seizure and forfeiture. After an arrest for a felony violation of  
76 § 18.2-266, the Commonwealth may file an information in accordance with § 19.2-386.1. If the  
77 information is filed, the Commonwealth shall notify the Commissioner of the Department of Motor  
78 Vehicles that the property is subject to seizure. The Commissioner shall act upon such notification  
79 pursuant to the provisions for certification and notice applicable to a seizure under § 19.2-375, except  
80 that the Commissioner shall serve the written notice of the seizure upon the registered owner and lienor  
81 in accordance with the requirements of § 8.01-296. Any seizure shall be stayed until conviction and the  
82 exhaustion of all appeals at which time, if the information has been filed, the Commonwealth shall  
83 immediately commence seizure of the property in accordance with § 19.2-386.2.

84 An immediate family member of the owner of any motor vehicle for which an information has been  
85 filed under this section who was not the driver at the time of the violation may petition the court in  
86 which such information was filed for the release of the motor vehicle. If the immediate family member  
87 proves by a preponderance of the evidence that his immediate family has only one motor vehicle and  
88 will suffer a substantial hardship if that motor vehicle is seized and forfeited, the court, in its discretion,  
89 may release the vehicle.

90 In the event the vehicle was sold to a bona fide purchaser subsequent to the arrest but prior to  
91 seizure in order to avoid seizure and forfeiture, the Commonwealth shall have a right of action against  
92 the seller for the proceeds of the sale.

93 D. In addition to the penalty otherwise authorized by this section or § 16.1-278.9, any person  
94 convicted of a violation of § 18.2-266 committed while transporting a person 17 years of age or younger  
95 shall be (i) fined an additional minimum of \$500 and not more than \$1,000 and (ii) sentenced to a  
96 mandatory minimum period of confinement of five days.

97 E. For the purpose of determining the number of offenses committed by, and the punishment  
98 appropriate for, a person under this section, an adult conviction of any person, or finding of guilty in the  
99 case of a juvenile, under the following shall be considered a conviction of § 18.2-266: (i) the provisions  
100 of § 18.2-36.1 or the substantially similar laws of any other state or of the United States, (ii) the  
101 provisions of §§ 18.2-51.4, 18.2-266, former § 18.1-54 (formerly § 18-75), the ordinance of any county,  
102 city or town in this Commonwealth or the laws of any other state or of the United States substantially  
103 similar to the provisions of § 18.2-51.4, or § 18.2-266, or (iii) the provisions of subsection A of  
104 § 46.2-341.24 or the substantially similar laws of any other state or of the United States.

105 F. Mandatory minimum punishments imposed pursuant to this section shall be cumulative, and  
106 mandatory minimum terms of confinement shall be served consecutively. However, in no case shall  
107 punishment imposed hereunder exceed the applicable statutory maximum Class 1 misdemeanor term of  
108 confinement or fine upon conviction of a first or second offense, or Class 6 felony term of confinement  
109 or fine upon conviction of a third or subsequent offense.

110 § 46.2-341.19. Controlled substance felony; disqualification.

111 No person shall use a commercial motor vehicle in the commission of any felony involving  
112 manufacturing, distributing or dispensing a controlled substance or possession with intent to  
113 manufacture, distribute or dispense such controlled substance. For the purpose of this section, a  
114 controlled substance shall be defined as provided in § 102 (6) of the federal Controlled Substances Act  
115 (21 U.S.C. § 802 (6)) and includes all substances listed on Schedules I through V of 21 C.F.R. Part  
116 1308 as they may be revised from time to time.

117 Violation of this section shall constitute a separate and distinct offense and any person violating this  
118 section shall be guilty of a Class 1 misdemeanor. Punishment for a violation of this section shall be  
119 separate and apart from any punishment received from the commission of the primary felony. *In*  
120 *addition, such person shall be fined a mandatory minimum fine of \$2,250.*

121 The Commissioner shall, upon receiving a record of a conviction of a violation of this section,

disqualify for life any person who is convicted of such violation.

§ 46.2-341.28. Penalty for driving commercial motor vehicle while intoxicated; subsequent offense; prior conviction.

Any person violating any provision of subsection A of § 46.2-341.24 shall be guilty of a Class 1 misdemeanor, *and shall be fined a mandatory minimum fine of \$2,250.*

Any person convicted of a second offense committed within less than five years after a first offense under subsection A of § 46.2-341.24 shall be punishable by a *mandatory minimum* fine of ~~not less than \$200 nor more than \$2,500~~ \$2,250, and by confinement in jail for not less than one month nor more than one year. Five days of such confinement shall be a mandatory minimum sentence. Any person convicted of a second offense committed within a period of five to 10 years of a first offense under subsection A of § 46.2-341.24 shall be punishable by a *mandatory minimum* fine of ~~not less than \$200 nor more than \$2,500~~ \$2,250, and by confinement in jail for not less than one month nor more than one year. Any person convicted of a third offense or subsequent offense committed within 10 years of an offense under subsection A of § 46.2-341.24 shall be punishable by a *mandatory minimum* fine of ~~not less than \$500 nor more than \$2,500~~ \$2,250, and by confinement in jail for not less than two months nor more than one year. Thirty days of such confinement shall be a mandatory minimum sentence if the third or subsequent offense occurs within less than five years. Ten days of such confinement shall be a mandatory minimum sentence if the third or subsequent offense occurs within a period of five to 10 years of a first offense.

For the purposes of this section a conviction or finding of not innocent in the case of a juvenile under (i) § 18.2-51.4 or § 18.2-266, (ii) the ordinance of any county, city or town in this Commonwealth substantially similar to the provisions of § 18.2-51.4 or § 18.2-266, (iii) subsection A of § 46.2-341.24, or (iv) the laws of any other state substantially similar to the provisions of §§ 18.2-51.4, 18.2-266 or subsection A of § 46.2-341.24, shall be considered a prior conviction.

§ 46.2-357. Operation of motor vehicle or self-propelled machinery or equipment by habitual offender prohibited; penalty; enforcement of section.

A. It shall be unlawful for any person determined or adjudicated an habitual offender to drive any motor vehicle or self-propelled machinery or equipment on the highways of the Commonwealth while the revocation of the person's driving privilege remains in effect. However, the revocation determination shall not prohibit the person from operating any farm tractor on the highways when it is necessary to move the tractor from one tract of land used for agricultural purposes to another tract of land used for agricultural purposes, provided that the distance between the said tracts of land is no more than five miles.

B. Except as provided in subsection D, any person found to be an habitual offender under this article, who is thereafter convicted of driving a motor vehicle or self-propelled machinery or equipment in the Commonwealth while the revocation determination is in effect, shall be punished as follows:

1. If such driving does not of itself endanger the life, limb, or property of another, such person shall be guilty of a Class 1 misdemeanor punishable by a mandatory minimum term of confinement in jail of 10 days except in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

2. If such driving of itself endangers the life, limb, or property of another or takes place while such person is in violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266 or § 46.2-341.24, irrespective of whether the driving of itself endangers the life, limb or property of another and the person has been previously convicted of a violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266 or § 46.2-341.24, such person shall be guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than five years, one year of which shall be a mandatory minimum term of confinement or, in the discretion of the jury or the court trying the case without a jury, by mandatory minimum confinement in jail for a period of 12 months. *In addition, such person shall be fined a mandatory minimum fine of \$3,000.* However, in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended. For the purposes of this section, an offense in violation of a valid local ordinance, or law of any other jurisdiction, which ordinance or law is substantially similar to any provision of law herein shall be considered an offense in violation of such provision of law.

3. If the offense of driving while a determination as an habitual offender is in effect is a second or subsequent such offense, such person shall be punished as provided in subdivision 2 of this subsection, irrespective of whether the offense, of itself, endangers the life, limb, or property of another.

C. For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle or self-propelled machinery or equipment while his license, permit, or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing the charge shall determine whether the person has been determined an habitual offender and, by reason

183 of this determination, is barred from driving a motor vehicle or self-propelled machinery or equipment  
184 on the highways in the Commonwealth. If the court determines the accused has been determined to be  
185 an habitual offender and finds there is probable cause that the alleged offense under this section is a  
186 felony, it shall certify the case to the circuit court of its jurisdiction for trial.

187 D. Notwithstanding the provisions of subdivisions 2 and 3 of subsection B, following conviction and  
188 prior to imposition of sentence with the consent of the defendant, the court may order the defendant to  
189 be evaluated for and to participate in the Boot Camp Incarceration Program pursuant to § 19.2-316.1, or  
190 the Detention Center Incarceration Program pursuant to § 19.2-316.2, or the Diversion Center  
191 Incarceration Program pursuant to § 19.2-316.3.

192 § 46.2-391. Revocation of license for multiple convictions of driving while intoxicated; exception;  
193 petition for restoration of privilege.

194 A. The Commissioner shall forthwith revoke and not thereafter reissue for three years the driver's  
195 license of any person on receiving a record of the conviction of any person who (i) is adjudged to be a  
196 second offender in violation of the provisions of subsection A of § 46.2-341.24 (driving a commercial  
197 motor vehicle under the influence of drugs or intoxicants), or § 18.2-266 (driving under the influence of  
198 drugs or intoxicants), if the subsequent violation occurred within 10 years of the prior violation, or (ii)  
199 is convicted of any two or more offenses of § 18.2-272 (driving while the driver's license has been  
200 forfeited for a conviction under § 18.2-266) if the second or subsequent violation occurred within 10  
201 years of the prior offense. However, if the Commissioner has received a copy of a court order  
202 authorizing issuance of a restricted license as provided in subsection E of § 18.2-271.1, he shall proceed  
203 as provided in the order of the court. For the purposes of this subsection, an offense in violation of a  
204 valid local ordinance, or law of any other jurisdiction, which ordinance or law is substantially similar to  
205 any provision of Virginia law herein shall be considered an offense in violation of such provision of  
206 Virginia law. Additionally, in no event shall the Commissioner reinstate the driver's license of any  
207 person convicted of a violation of § 18.2-266, or of a substantially similar valid local ordinance or law  
208 of another jurisdiction, until receipt of notification that such person has successfully completed an  
209 alcohol safety action program if such person was required by court order to do so unless the requirement  
210 for completion of the program has been waived by the court for good cause shown. A conviction  
211 includes a finding of not innocent in the case of a juvenile.

212 B. The Commissioner shall forthwith revoke and not thereafter reissue the driver's license of any  
213 person after receiving a record of the conviction of any person (i) convicted of a violation of § 18.2-36.1  
214 or § 18.2-51.4 or (ii) convicted of three offenses arising out of separate incidents or occurrences within a  
215 period of 10 years in violation of the provisions of subsection A of § 46.2-341.24 or § 18.2-266, or a  
216 substantially similar ordinance or law of any other jurisdiction, or any combination of three such  
217 offenses. A conviction includes a finding of not innocent in the case of a juvenile.

218 C. Any person who has had his driver's license revoked in accordance with subsection B of this  
219 section may petition the circuit court of his residence, or, if a nonresident of Virginia, any circuit court:

220 1. For restoration of his privilege to drive a motor vehicle in the Commonwealth after the expiration  
221 of five years from the date of his last conviction. On such petition, and for good cause shown, the court  
222 may, in its discretion, restore to the person the privilege to drive a motor vehicle in the Commonwealth  
223 on condition that such person install an ignition interlock system in accordance with § 18.2-270.1 on all  
224 motor vehicles, as defined in § 46.2-100, owned by or registered to him, in whole or in part, for a  
225 period of at least six months, and upon whatever other conditions the court may prescribe, subject to the  
226 provisions of law relating to issuance of driver's licenses, if the court is satisfied from the evidence  
227 presented that: (i) at the time of his previous convictions, the petitioner was addicted to or  
228 psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the  
229 petition, he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs;  
230 and (iii) the defendant does not constitute a threat to the safety and welfare of himself or others with  
231 regard to the driving of a motor vehicle. However, prior to acting on the petition, the court shall order  
232 that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the  
233 appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and  
234 recommendations therefrom be submitted to the court. The court may, in lieu of restoring the person's  
235 privilege to drive, authorize the issuance of a restricted license for a period not to exceed five years in  
236 accordance with the provisions of § 18.2-270.1 and subsection E of § 18.2-271.1. The court shall notify  
237 the Virginia Alcohol Safety Action Program which shall during the term of the restricted license monitor  
238 the person's compliance with the terms of the restrictions imposed by the court. Any violation of the  
239 restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the  
240 license.

241 2. For a restricted license to authorize such person to drive a motor vehicle in the Commonwealth in  
242 the course of his employment and to drive a motor vehicle to and from his home to the place of his  
243 employment after the expiration of three years from the date of his last conviction. The court may order  
244 that a restricted license for such purposes be issued in accordance with the procedures of subsection E

of § 18.2-271.1, if the court is satisfied from the evidence presented that (i) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or such other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself and others with regard to the driving of a motor vehicle. The court shall prohibit the person to whom a restricted license is issued from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system during all or any part of the term for which the restricted license is issued, in accordance with the provisions set forth in § 18.2-270.1. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court. The Virginia Alcohol Safety Action Program shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

The ignition interlock system installation requirement under subdivisions 1 and 2 of this subsection need only be satisfied once as to any single revocation under subsection B of this section for any person seeking restoration under subdivision 1 following the granting of a restricted license under subdivision 1 or 2.

D. Any person convicted of driving a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B or (ii) in violation of the terms of a restricted license issued pursuant to subsection C shall, provided such revocation was based on at least one conviction for an offense committed after July 1, 1999, be punished as follows:

1. If such driving does not of itself endanger the life, limb, or property of another, such person shall be guilty of a Class 1 misdemeanor punishable by a mandatory minimum term of confinement in jail of 10 days except in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

2. a. If such driving (i) of itself endangers the life, limb, or property of another or (ii) takes place while such person is in violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266, subsection A of § 46.2-341.24, or a substantially similar law or ordinance of another jurisdiction, irrespective of whether the driving of itself endangers the life, limb or property of another and the person has been previously convicted of a violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266, subsection A of § 46.2-341.24, or a substantially similar local ordinance, or law of another jurisdiction, such person shall be guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than five years, one year of which shall be a mandatory minimum term of confinement or, in the discretion of the jury or the court trying the case without a jury, by mandatory minimum confinement in jail for a period of 12 months and no portion of such sentence shall be suspended or run concurrently with any other sentence. *In addition, such person shall be fined a mandatory minimum fine of \$3,000.*

b. However, in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

3. If any such offense of driving is a second or subsequent violation, such person shall be punished as provided in subdivision 2 of this subsection, irrespective of whether the offense, of itself, endangers the life, limb, or property of another.

E. Notwithstanding the provisions of subdivisions 2 and 3 of subsection D, following conviction and prior to imposition of sentence with the consent of the defendant, the court may order the defendant to be evaluated for and to participate in the Boot Camp Incarceration Program pursuant to § 19.2-316.1, or the Detention Center Incarceration Program pursuant to § 19.2-316.2, or the Diversion Center Incarceration Program pursuant to § 19.2-316.3.

F. Any period of driver's license revocation imposed pursuant to this section shall not begin to expire until the person convicted has surrendered his license to the court or to the Department of Motor Vehicles.

G. Nothing in this section shall prohibit a person from operating any farm tractor on the highways when it is necessary to move the tractor from one tract of land used for agricultural purposes to another such tract of land when the distance between the tracts is no more than five miles.

H. Any person who operates a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B, or (ii) in violation of the terms of a restricted license issued pursuant to subsection C, where the provisions of subsection D do not apply, shall be guilty of a violation of § 18.2-272.

§ 46.2-817. Disregarding signal by law-enforcement officer to stop; eluding police; penalties.

306 A. Any person who, having received a visible or audible signal from any law-enforcement officer to  
307 bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such  
308 signal or who attempts to escape or elude such law-enforcement officer, is guilty of a Class 3  
309 misdemeanor. It shall be an affirmative defense to a charge of a violation of this subsection if the  
310 defendant shows he reasonably believed he was being pursued by a person other than a law-enforcement  
311 officer.

312 B. Any person who, having received a visible or audible signal from any law-enforcement officer to  
313 bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such  
314 signal so as to interfere with or endanger the operation of the law-enforcement vehicle or endanger a  
315 person is guilty of a Class 6 felony. *In addition, such person shall be fined a mandatory minimum fine*  
316 *of \$2,500.* It shall be an affirmative defense to a charge of a violation of this subsection if the defendant  
317 shows he reasonably believed he was being pursued by a person other than a law-enforcement officer.

318 C. When any person is convicted of an offense under this section, in addition to the other penalties  
319 provided in this section, the driver's license of such person shall be suspended by the court for a period  
320 of not less than thirty days nor more than one year. However, in any case where the speed of such  
321 person is determined to have exceeded the maximum allowed by twenty miles per hour, his driver's  
322 license shall be suspended by the court trying the case for a period of not less than ninety days. In case  
323 of conviction and suspension, the court or judge shall order the surrender of the license to the court,  
324 which shall dispose of it in accordance with the provisions of § 46.2-398.

325 § 46.2-865.1. Injuring another or causing the death of another while engaging in a race; penalties.

326 A. Any person who, while engaging in a race in violation of § 46.2-865 in a manner so gross,  
327 wanton and culpable as to show a reckless disregard for human life:

328 1. Causes serious bodily injury to another person who is not involved in the violation of § 46.2-865  
329 is guilty of a Class 6 felony. *In addition, such person shall be fined a mandatory minimum fine of*  
330 *\$2,500; or*

331 2. Causes the death of another person is guilty of a felony punishable by a term of imprisonment of  
332 not less than one nor more than 20 years, one year of which shall be a mandatory minimum term of  
333 imprisonment. *In addition, such person shall be fined a mandatory minimum fine of \$3,000.*

334 B. Upon conviction, the court shall suspend the driver's license of such person for a period of not  
335 less than one year nor more than three years, and shall order the surrender of the license to be disposed  
336 of in accordance with the provisions of § 46.2-398.

337 § 46.2-868. Reckless driving; penalties.

338 A. Every person convicted of reckless driving under the provisions of this article shall be guilty of a  
339 Class 1 misdemeanor.

340 B. Every person convicted of reckless driving under the provisions of this article who, when he  
341 committed the offense, (i) was driving without a valid operator's license due to a suspension or  
342 revocation for a moving violation and, (ii) as the sole and proximate result of his reckless driving,  
343 caused the death of another, is guilty of a Class 6 felony. *In addition, such person shall be fined a*  
344 *mandatory minimum fine of \$2,500.*

345 § 46.2-894. Duty of driver to stop, etc., in event of accident involving injury or death or damage to  
346 attended property; penalty.

347 The driver of any vehicle involved in an accident in which a person is killed or injured or in which  
348 an attended vehicle or other attended property is damaged shall immediately stop as close to the scene  
349 of the accident as possible without obstructing traffic, as provided in § 46.2-888, and report his name,  
350 address, driver's license number, and vehicle registration number forthwith to the State Police or local  
351 law-enforcement agency, to the person struck and injured if such person appears to be capable of  
352 understanding and retaining the information, or to the driver or some other occupant of the vehicle  
353 collided with or to the custodian of other damaged property. The driver shall also render reasonable  
354 assistance to any person injured in such accident, including taking such injured person to a physician,  
355 surgeon, or hospital if it is apparent that medical treatment is necessary or is requested by the injured  
356 person.

357 Where, because of injuries sustained in the accident, the driver is prevented from complying with the  
358 foregoing provisions of this section, the driver shall, as soon as reasonably possible, make the required  
359 report to the State Police or local law-enforcement agency and make a reasonable effort to locate the  
360 person struck, or the driver or some other occupant of the vehicle collided with, or the custodian of the  
361 damaged property, and report to such person or persons his name, address, driver's license number, and  
362 vehicle registration number.

363 Any person convicted of a violation of this section is guilty of (i) a Class 5 felony *with a mandatory*  
364 *minimum fine of \$2,500* if the accident results in injury to or the death of any person, or if the accident  
365 results in more than \$1000 of damage to property or (ii) a Class 1 misdemeanor if the accident results  
366 in damage of \$1000 or less to property.