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HOUSE BILL NO. 25

Offered January 9, 2008

Prefiled November 30, 2007

A BILL to amend and reenact §§ 46.2-494 and 46.2-498 of the Code of Virginia, relating to safe driving points; driver improvement clinics.

Patrons—Marshall, D.W., Athey, Carrico, Cole, Crockett-Stark, Massie, Merricks and Sherwood

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-494 and 46.2-498 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-494. Safe driving point credit.

Every resident or nonresident person holding a valid Virginia driver's license whose driving record does not contain any suspension, revocation, conviction, or finding of not innocent in the case of a juvenile, of a traffic violation, during any calendar year shall be awarded one safe driving point. One safe driving point shall be awarded for each calendar year of safe driving, but no person shall be permitted to accumulate more than ~~five~~ *ten* safe driving points. The Commissioner shall apply these points to offset an equivalent number of demerit points, if any, to the chronologically earliest offense conviction, or finding of not innocent in the case of a juvenile, for which demerit points have been assigned and are valid. If subsequent to awarding a safe driving point to any person, the Department receives a conviction, or finding of not innocent in the case of a juvenile, for an offense which occurred during the period for which a safe driving point was awarded for and which requires the Department to assess demerit points, the safe driving point shall be invalidated.

§ 46.2-498. Driver improvement clinics; voluntary attendance.

A. Whenever the driving record of any person who is eighteen years old or older shows an accumulation of at least twelve demerit points based on convictions for traffic offenses committed within a period of twelve consecutive months, or at least eighteen demerit points based on convictions for traffic offenses committed within a period of twenty-four consecutive months, respectively, the Commissioner shall direct the person to attend a driver improvement clinic.

B. Except for those persons whose licenses are subject to the restrictions of § 46.2-334.01, whenever the driving record of a person under the age of eighteen years shows an accumulation of (i) at least nine points based on convictions for traffic offenses committed within a period of twelve consecutive months or (ii) at least twelve points based on convictions for traffic offenses committed within a period of twenty-four consecutive months, the Commissioner shall direct the person to attend a driver improvement clinic and such person shall be subject to probation pursuant to § 46.2-499.

C. Except as provided for in subsection D of this section and in §§ 46.2-334.01 and 46.2-505, every person who attends a driver improvement clinic conducted by the Department or those businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction and who satisfactorily completes the clinic shall have five demerit points subtracted from his total accumulation of demerit points, except in those instances where a person has not accumulated five demerit points, in which case a reduction in demerit points and/or the award of safe driving points will be made. No person shall be allowed to accumulate more than ~~five~~ *ten* safe driving points.

Safe driving points shall be awarded or reductions in premium charges, as set forth in § 38.2-2217, shall be received for the completion of a driver improvement clinic ~~only once~~ *no more than twice* within a period of ~~two~~ *ten* years from the date a person satisfactorily completes the clinic. Persons shall be eligible to voluntarily attend a driver improvement clinic again for either safe driving points or a reduction in premium charges, whichever was not awarded or received previously, one year from the date of satisfactory completion of a driver improvement clinic in which safe driving points or a reduction in premium charges was received or awarded.

D. Any resident or nonresident person holding a valid license to drive a motor vehicle in Virginia, whether or not he has accumulated demerit points, may apply to any business, organization, governmental entity or individual certified by the Department to provide driver improvement clinic instruction for permission to attend a driver improvement clinic on a voluntary basis. Such businesses, organizations, governmental entities or individuals may, when seating space is available, schedule the person to attend a driver improvement clinic.

Persons who voluntarily attend and satisfactorily complete a driver improvement clinic shall be eligible (i) to have five demerit points subtracted from their total accumulation of demerit points, except

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59 in those instances where a person has not accumulated five demerit points, in which case a reduction in
60 demerit points and/or the award of safe driving points will be made, or (ii) to receive a reduction in
61 premium charges as set forth under § 38.2-2217, either of which, but not both, shall be awarded or
62 received no more than ~~once~~ *twice* in a ~~two-year~~ *ten-year* period, as set forth in subsection C of this
63 section. Such persons shall inform the business, organization or individual providing instruction if they
64 are attending to be awarded safe driving points or to receive a reduction in premium charges as set forth
65 under § 38.2-2217.