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## SENATE BILL NO. 1

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 27, 2008)

(Patrons Prior to Substitute—Senators Houck, Colgan [SB 57], Cuccinelli [SB 85], Hanger [SB 469], Lucas [SB 6], Newman [SB 664], Petersen [SBs 443 and 444], Puckett [SB 411], Puller [SB 4], Reynolds [SB 42], Vogel [SB 430], and Wampler [SB 287])

*A BILL to repeal § 46.2-206.1 of the Code of Virginia, relating to civil remedial fees imposed on certain drivers.*

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-206.1 of the Code of Virginia is repealed.

2. That, notwithstanding Rule 1:1 of the Supreme Court or any provisions of the Code imposing a time limit upon the continuing jurisdiction of a court, upon agreement of a majority of judges in any general district court, the chief judge thereof may enter a blanket order vacating all orders imposing civil remedial fees pursuant to § 46.2-206.1 as it was in effect prior to passage of this Act. Upon issuance of such a blanket order, the chief judge of the general district court shall communicate the order to the Department of Motor Vehicles and the Comptroller. The Department shall, upon receipt of such order, reinstate the driver's license of any driver in that jurisdiction whose license was suspended solely for failure to pay civil remedial fees.

3. That, notwithstanding Rule 1:1 of the Supreme Court or any provisions of the Code imposing a time limit upon the continuing jurisdiction of a court, upon agreement of a majority of judges in any circuit court, the chief judge thereof may enter a blanket order vacating all orders imposing civil remedial fees pursuant to § 46.2-206.1 as it was in effect prior to passage of this Act. Upon issuance of such a blanket order, the chief judge of the circuit court shall communicate the order to the Department of Motor Vehicles and the Comptroller. The Department shall, upon receipt of such order, reinstate the driver's license of any driver in that jurisdiction whose license was suspended solely for failure to pay civil remedial fees.

4. That, in any jurisdiction where no blanket order vacating the imposition of civil remedial fees is issued, any person aggrieved by the imposition of civil remedial fees imposed under the provisions of § 46.2-206.1, as it was in effect prior to passage of this Act, may, notwithstanding Rule 1:1 of the Supreme Court or any provisions of the Code imposing a time limit upon the continuing jurisdiction of a court, file a petition with the general district court of the jurisdiction in which he resides or where he was adjudicated in order to have the order vacated with respect to such fees. The general district court shall provide a preprinted form for purposes of filing the petition, and no filing fee shall be charged for such petition. Upon vacation of the underlying order, no civil remedial fees shall be owed.

5. That the Comptroller shall, upon proof of payment of any civil remedial fee imposed under § 46.2-206.1 as it was in effect prior to passage of this Act, and upon proof of a vacation of the order imposing the civil remedial fees pursuant to the first, second, third or fourth enactment clause of this Act, draw a warrant for payment by the State Treasurer for a refund to each such person to whom the order is applicable. Such refund shall be for the full amount paid for the civil remedial fee. All agencies of the Commonwealth, upon request of the Comptroller, shall provide him with all requested information reasonably necessary for the payment of such refunds.

6. That, for any jurisdiction where no blanket order vacating the imposition of civil remedial fees has been communicated to the Department of Motor Vehicles within 90 days following passage of this Act, the Department shall issue notice to all persons in the jurisdiction subject to the civil remedial fees pursuant to § 46.2-206.1 as it was in effect prior to passage of this Act of the right to petition for a vacation of the order imposing the civil remedial fees through the general district court and of the right to a refund, as set forth in this Act.

7. That no person shall have his driver's license or his privilege to drive a motor vehicle in Virginia suspended solely for failure to pay a civil remedial fee imposed under the provisions of § 46.2-206.1 as it was in effect prior to passage of this Act.

8. That all funds collected under the provisions of § 46.2-206.1 as it was in effect prior to passage of this Act that are not otherwise refunded as set forth in this Act shall be deposited into the Literary Fund.

9. That an emergency exists and this Act is in force from its passage.

HOUSE SUBSTITUTE

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