

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-266.1 of the Code of Virginia, as it is currently effective, relating*
3 *to penalties for underage drunk driving.*

4 [H 1868]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-266.1 of the Code of Virginia is amended and reenacted as follows:**8 § 18.2-266.1. (Expires July 1, 2010) Persons under age 21 driving after illegally consuming alcohol;
9 penalty.

10 A. It shall be unlawful for any person under the age of 21 to operate any motor vehicle after
11 illegally consuming alcohol. Any such person with a blood alcohol concentration of 0.02 percent or
12 more by weight by volume or 0.02 grams or more per 210 liters of breath but less than 0.08 by weight
13 by volume or less than 0.08 grams per 210 liters of breath as indicated by a chemical test administered
14 as provided in this article shall be in violation of this section.

15 B. A violation of this section is a Class 1 misdemeanor. Punishment shall ~~be~~ *include* (i) forfeiture of
16 such person's license to operate a motor vehicle for a period of one year from the date of conviction and
17 (ii) a mandatory minimum fine of \$500 or performance of a mandatory minimum of 50 hours of
18 community service. This suspension period shall be in addition to the suspension period provided under
19 § 46.2-391.2. The penalties and license forfeiture provisions set forth in §§ 16.1-278.9, 18.2-270 and
20 18.2-271 shall not apply to a violation of this section. Any person convicted of a violation of this
21 section shall be eligible to attend an Alcohol Safety Action Program under the provisions of
22 § 18.2-271.1 and may, in the discretion of the court, be issued a restricted license during the term of
23 license suspension.

24 C. Notwithstanding §§ 16.1-278.8 and 16.1-278.9, upon adjudicating a juvenile delinquent based
25 upon a violation of this section, the juvenile and domestic relations district court shall order disposition
26 as provided in subsection B.

ENROLLED

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