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HOUSE BILL NO. 1974

Offered January 14, 2009

Prefiled January 13, 2009

A *BILL to amend and reenact § 38.2-2217 of the Code of Virginia, relating to reduction in rates for certain persons attending motor vehicle crash prevention courses.*

Patron—Ware, R.L.

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-2217 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-2217. Reduction in rates for certain persons who attend motor vehicle crash prevention courses and driver improvement clinics.

A. Any schedule of rates, rate classifications or rating plans for motor vehicle insurance as defined in § 38.2-2212 filed with the Commission shall provide for an appropriate reduction in premium charges for those insured persons who are fifty-five years of age and older and who qualify as provided in this subsection. Only those insured persons who have successfully completed a motor vehicle ~~accident~~ crash prevention course approved by the Department of Motor Vehicles shall qualify for a three-year period after the completion of the course for the reduction in rates. ~~No reduction in premiums shall be allowed for a self-instructed course or for any course that does not provide actual classroom instruction for a minimum number of hours as determined by the Department of Motor Vehicles.~~

B. Any schedule of rates, rate classifications or rating plans for motor vehicle insurance as defined in § 38.2-2212 filed with the Commission may provide for an appropriate reduction in premium charges for a two-year period for those insured persons who are fifty-four years of age or younger and who have satisfactorily completed a driver improvement clinic approved by the Department of Motor Vehicles, as set forth in Article 19 (§ 46.2-489 et seq.) of Chapter 3 of Title 46.2. No person assigned by the courts or notified by the Department of Motor Vehicles to attend a driver improvement clinic shall be eligible for such reduction in premium charges.

C. The Commission ~~and the Department of Motor Vehicles~~ may promulgate rules and regulations which will assist them in carrying out the provisions of this section.

D. All insurers writing motor vehicle insurance in Virginia as defined in § 38.2-2212 shall allow an appropriate reduction in premium charges to all eligible persons subject to the provisions of subsection A.

E. Upon successfully completing the approved course, the course's sponsor shall issue to each participant a certificate approved by the Department of Motor Vehicles which shall be evidence of satisfactory completion of either a motor vehicle ~~accident~~ crash prevention course or a driver improvement clinic for the reduction in premium charges. Participants shall be required to provide satisfactory evidence to the insurance provider that the course or clinic was completed in accordance with this section.

F. Each participant in a motor vehicle ~~accident~~ crash prevention course shall take an approved course every three years in order to continue to be eligible for the reduction in premium charges. Each voluntary participant in a driver improvement clinic shall take an approved course every two years in order to continue to be eligible for the reduction in premium charges, if any.

G. *The Department of Motor Vehicles shall develop guidelines for crash prevention courses, which shall be made available to course sponsors. Crash prevention courses shall focus specifically on the needs of drivers fifty-five years of age and older and address, at a minimum, the following topics:*

1. *Vision and other physical problems, which tend to accompany increasing age; how these problems may affect driving performance; how to compensate for the problems;*

2. *Fatigue; drugs, both over-the-counter and prescription; alcohol; the interaction of drugs, alcohol, fatigue, and other conditions; effect on driving and precautionary measures;*

3. *Updates on recent signs, signals, and pavement markings;*

4. *Travel time and route selection for optimal driving conditions; alternatives to driving offered by public transportation, senior citizen groups, and other organizations;*

5. *The importance of safety belt use;*

6. *Updates on safe and defensive driving, including the three-second following distance, how to deal with tailgaters, lane positioning, safe passing, safe turning, freeway entrance and exit, maintaining prevailing speed, right-of-way rules, driver's responsibility to yield;*

7. *Techniques to gain increased time for making decisions; e.g. situations requiring greater following*

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59 *distance; pre-trip planning; passenger assistance; recognizing hazards; encountering unfamiliar areas*
60 *and construction areas; and*
61 *8. Distracted driving and aggressive driving.*
62 *H. Nothing in this section prevents an insurer from offering appropriately reduced rates based solely*
63 *on age.*