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HOUSE BILL NO. 1429

Offered January 12, 2011

Prefiled November 2, 2010

A BILL to amend and reenact §§ 4.1-103, 16.1-69.48:1.01, and 17.1-275.11 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-270.02, relating to the DUI Personal Responsibility Initiative Fund; created.

Patron—Loupassi

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-103, 16.1-69.48:1.01, and 17.1-275.11 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-270.02 as follows:

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

2. Buy and sell any mixers;

3. Control the possession, sale, transportation and delivery of alcoholic beverages;

4. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;

5. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;

6. Lease, occupy and improve any land or building required for the purposes of this title;

7. Purchase or otherwise acquire title to any land or building required for the purposes of this title and sell and convey the same by proper deed, with the consent of the Governor;

8. Purchase, lease or acquire the use of, by any manner, any plant or equipment which may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

9. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon;

10. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

11. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and make summary decisions, subject to final decision by the Board, on application of any party aggrieved;

12. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

13. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111 of this chapter;

14. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

15. Assess and collect civil penalties and civil charges for violations of this title and Board regulations;

16. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

17. Establish minimum food sale requirements for all retail licensees; and

18. Administer the DUI Personal Responsibility Initiative Fund established pursuant to

INTRODUCED

HB1429

59 § 18.2-270.02; and

60 ~~1819.~~ Do all acts necessary or advisable to carry out the purposes of this title.

61 § 16.1-69.48:1.01. Additional fees assessed for conviction of certain offenses.

62 A. Beginning May 1, 2003, the clerk shall assess a person, in addition to the fees provided for by
63 § 16.1-69.48:1, a fee of \$100 upon conviction of any and each charge of a violation of §§ 18.2-36.1,
64 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-268.3, 46.2-341.24, or § 46.2-341.26:3, or any similar local
65 ordinance.

66 B. *Beginning July 1, 2011, the clerk shall assess a person, in addition to the fees provided for by*
67 *§ 16.1-69.48:1, the fee provided for by § 18.2-270.02 upon conviction of any and each charge of a*
68 *violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-268.3, 46.2-341.24, or 46.2-341.26:3, or*
69 *any similar local ordinance.*

70 § 17.1-275.11. Additional fees assessed for conviction of certain offenses.

71 A. Beginning May 1, 2003, the clerk shall assess a person, in addition to the fees provided for by
72 §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.5, 17.1-275.7, 17.1-275.8, and 17.1-275.9, a
73 fee of \$100 upon conviction of any and each charge of a violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266,
74 18.2-266.1, 18.2-268.3, 46.2-341.24, or § 46.2-341.26:3, or any similar local ordinance.

75 B. *Beginning July 1, 2011, the clerk shall assess a person, in addition to the fees provided for by*
76 *§§ 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.5, 17.1-275.7, 17.1-275.8, and 17.1-275.9,*
77 *the fee provided for by § 18.2-270.02 upon conviction of any and each charge of a violation of*
78 *§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-268.3, 46.2-341.24, or 46.2-341.26:3, or any similar*
79 *local ordinance.*

80 § 18.2-270.02. *DUI Personal Responsibility Initiative Fund established.*

81 A. *The court shall order any person convicted of a violation of § 18.2-36.1, 18.2-51.4, 18.2-266,*
82 *18.2-266.1, 18.2-268.3, 46.2-341.24, or 46.2-341.26:3, or any similar local ordinance, to pay \$25 to the*
83 *DUI Personal Responsibility Initiative Fund.*

84 B. *There is hereby established in the state treasury a special nonreverting fund to be known as the*
85 *DUI Personal Responsibility Initiative Fund, hereafter referred to as "the Fund." The Fund shall be*
86 *established on the books of the Comptroller. The Fund shall consist of any moneys paid into it by virtue*
87 *of operation of subsection A and any moneys appropriated thereto by the General Assembly and*
88 *designated for the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be*
89 *credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal*
90 *year shall not revert to the general fund but shall remain in the Fund. The Fund shall be administered*
91 *by the Virginia Alcoholic Beverage Control Board. Expenditures and disbursements from the Fund shall*
92 *be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by*
93 *the Virginia Alcoholic Beverage Control Board, or its designee. The Board shall utilize the moneys in*
94 *the Fund to educate and inform the public regarding the consequences associated with convictions for*
95 *driving while intoxicated and related crimes, including the possibility of incarceration, and to publicize*
96 *such consequences through advertising and other promotional materials in order to promote personal*
97 *responsibility on the part of Virginia motorists.*