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HOUSE BILL NO. 1791

House Amendments in [] - January 31, 2011

A BILL to amend and reenact § 46.2-411 of the Code of Virginia, relating to driver's license reinstatement fees.

Patron Prior to Engrossment—Delegate Tata

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-411 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-411. Reinstatement of suspended or revoked license or other privilege to operate or register a motor vehicle; proof of financial responsibility; reinstatement fee.

A. The Commissioner may refuse, after a hearing if demanded, to issue to any person whose license has been suspended or revoked any new or renewal license, or to register any motor vehicle in the name of the person, whenever he deems or in case of a hearing finds it necessary for the safety of the public on the highways in the Commonwealth.

B. Before granting or restoring a license or registration to any person whose driver's license or other privilege to drive motor vehicles or privilege to register a motor vehicle has been revoked or suspended pursuant to § 46.2-389, 46.2-391, 46.2-391.1, or 46.2-417, the Commissioner shall require proof of financial responsibility in the future as provided in Article 15 (§ 46.2-435 et seq.) of this chapter, but no person shall be licensed who may not be licensed under the provisions of §§ 46.2-389 through 46.2-431.

C. Whenever the driver's license or registration cards, license plates and decals, or other privilege to drive or to register motor vehicles of any resident or nonresident person is suspended or revoked by the Commissioner or by a district court or circuit court pursuant to the provisions of Title 18.2 or this title, or any valid local ordinance, the order of suspension or revocation shall remain in effect and the driver's license, registration cards, license plates and decals, or other privilege to drive or register motor vehicles shall not be reinstated and no new driver's license, registration cards, license plates and decals, or other privilege to drive or register motor vehicles shall be issued or granted unless such person, in addition to complying with all other provisions of law, pays to the Commissioner a reinstatement fee of \$30. The reinstatement fee shall be increased by \$30 whenever such suspension or revocation results from conviction of involuntary manslaughter in violation of § 18.2-36.1; conviction of maiming resulting from driving while intoxicated in violation of § 18.2-51.4; conviction of driving while intoxicated in violation of § 18.2-266 or 46.2-341.24; conviction of driving after illegally consuming alcohol in violation of § 18.2-266.1 or failure to comply with court imposed conditions pursuant to subsection D of § 18.2-271.1; unreasonable refusal to submit to drug or alcohol testing in violation of § 18.2-268.2; conviction of driving while a license, permit or privilege to drive was suspended or revoked in violation of § 46.2-301 or 46.2-341.21; disqualification pursuant to § 46.2-341.20; violation of driver's license probation pursuant to § 46.2-499; failure to attend a driver improvement clinic pursuant to § 46.2-503 or habitual offender interventions pursuant to former § 46.2-351.1; conviction of eluding police in violation of § 46.2-817; conviction of hit and run in violation of § 46.2-894; conviction of reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 or a conviction, finding or adjudication under any similar local ordinance, federal law or law of any other state. Five dollars of the additional amount shall be retained by the Department as provided in this section and \$25 dollars shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund established pursuant to Chapter 3.1 (§ 51.5-12.1 et seq.) of Title 51.5. When three years have elapsed from the termination date of the order of suspension or revocation and the person has complied with all other provisions of law, the Commissioner may relieve him of paying the reinstatement fee.

D. No reinstatement fee shall be required when the suspension or revocation of license results from the person's suffering from mental or physical infirmities or disabilities from natural causes not related to the use of self-administered intoxicants or drugs. No reinstatement fee shall be collected from any person whose license is suspended by a court of competent jurisdiction for any reason, other than a cause for mandatory suspension as provided in this title, provided the court ordering the suspension is not required by § 46.2-398 to forward the license to the Department during the suspended period.

E. Except as otherwise provided in this section and § 18.2-271.1, reinstatement fees collected under the provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

F. Before granting or restoring a license or registration to any person whose driver's license or other privilege to drive motor vehicles or privilege to register a motor vehicle has been revoked or suspended,

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59 the Commissioner shall collect from such person, in addition to all other fees provided for in this
60 section, an additional fee of \$40. The Commissioner shall pay all fees collected pursuant to this
61 subsection into the Trauma Center Fund, created pursuant to § 18.2-270.01, for the purpose of defraying
62 the costs of providing emergency medical care to victims of automobile accidents attributable to alcohol
63 or drug use.

64 ~~[G. Whenever any person is required to pay a reinstatement fee pursuant to this section or to~~
65 ~~subsection E of § 18.2-271.1 and such person has more than one suspension or revocation in effect on~~
66 ~~his record, such person shall be required to pay to the Commissioner an additional \$5 fee for~~
67 ~~compliance with the second and each subsequent suspension or revocations. Fees collected pursuant to~~
68 ~~this subsection shall be set aside as a special fund to be used to meet the expenses of the Department.~~

69 G. Whenever any person is required to pay a reinstatement fee pursuant to subsection C of this
70 section or pursuant to subsection E of § 18.2-271.1 and such person has more than one suspension or
71 revocation on his record for which reinstatement is required, then such person shall be required to pay
72 one reinstatement fee, the amount of which shall equal the full reinstatement fee attributable to the one
73 of his revocations or suspensions that would trigger the highest reinstatement fee, plus an additional \$5
74 fee for administrative costs associated with compliance for each additional suspension or revocation.
75 Fees collected pursuant to this subsection shall be set aside as a special fund to be used to meet the
76 expenses of the Department.]