

# VIRGINIA ACTS OF ASSEMBLY -- 2017 RECONVENED SESSION

## CHAPTER 776

*An Act to amend the Code of Virginia by adding a section numbered 46.2-410.2, relating to revocation or suspension of driver's licenses; laws of other jurisdictions.*

[H 1525]

Approved April 5, 2017

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 46.2-410.2 as follows:**

***§ 46.2-410.2. License suspension or revocation by Commissioner; offenses under the laws of other jurisdictions.***

*Notwithstanding any other provision of this chapter, the Commissioner shall not administratively revoke or suspend the driver's license of any person on the basis of receiving a record of such person's conviction for any offense under the laws of another jurisdiction that would otherwise require the Commissioner to revoke or suspend such person's driver's license unless such offense is substantially similar to an offense under the laws of the Commonwealth or a county, city, or town ordinance. Whenever the Commissioner is required to determine whether the law of another jurisdiction is substantially similar to the laws of the Commonwealth, or a county, city, or town ordinance, such determination shall be based only on the text of the other jurisdiction's law without reference to the particular circumstances of any conviction under such other jurisdiction's laws. However, if the Commissioner cannot reasonably determine from the text of the other jurisdiction's law whether such law is substantially similar to the laws of the Commonwealth, or a county, city, or town ordinance, the Commissioner may, if available, review a certified copy of the final order of the person's conviction in order to make such determination.*

**2. That the Department of Motor Vehicles shall reinstate a person's driver's license that was administratively revoked or suspended prior to July 1, 2017, by the Commissioner of the Department of Motor Vehicles solely on the basis of receiving a record of such person's conviction for any offense under the laws of another jurisdiction if, on a form promulgated by the Department of Motor Vehicles, such person submits to the Department of Motor Vehicles a request to review such suspension or revocation and the Department of Motor Vehicles determines that such suspension or revocation was based on a conviction not in compliance with the provisions of this act. The person requesting the review shall submit with the form a copy of the other jurisdiction's statute under which he was convicted that was in effect at the time of the conviction and a certified copy of the final order of conviction from the other jurisdiction. Any refusal by the Department of Motor Vehicles to reinstate a person's driver's license shall be reviewable in accordance with the provisions of § 46.2-410.1 of the Code of Virginia. The provisions of this act shall not apply to any disqualification of eligibility to operate a commercial motor vehicle imposed by the Commissioner of the Department of Motor Vehicles pursuant to Article 6.1 (§ 46.2-341.1 et seq.) of Chapter 3 of Title 46.2 of the Code of Virginia. Nothing herein shall require the Department of Motor Vehicles to reinstate a person's driver's license if such license was otherwise suspended or revoked.**