

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-204 of the Code of Virginia, relating to examination of drivers*
3 *believed incompetent.*

4 [H 1494]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-204 of the Code of Virginia is amended and reenacted as follows:**8 **§ 46.2-204. Medical Advisory Board.**

9 For the purpose of enabling the Department of Motor Vehicles to comply with its responsibilities
10 under this title, there is hereby created a Medical Advisory Board for the Department. The Board shall
11 consist of seven licensed physicians currently practicing medicine in Virginia appointed by the
12 Governor. Appointments to the Board shall be for four-year terms and vacancies shall be filled by
13 appointment for the unexpired portion of a term. The Governor shall designate the chairman of the
14 Board.

15 The Commissioner may refer to the Board for an advisory opinion the case of any person applying
16 for a driver's license or renewal thereof, or of any person whose license has been suspended or revoked,
17 or of any person being examined under the provisions of § 46.2-322, when he has cause to believe that
18 such person suffers from a physical or mental disability or disease which will prevent his exercising
19 reasonable and ordinary control over a motor vehicle while driving it on the highways. *The Medical*
20 *Advisory Board shall provide guidance and recommendations to the Department regarding any case of a*
21 *person examined under the provisions of § 46.2-322 who appeals the outcome of the examination*
22 *pursuant to § 46.2-321 if the basis for such appeal is related to the medical evidence in the case.*
23 *However, appeals related to the examinee's (i) failure to follow procedures, (ii) failure to pass*
24 *knowledge or behind-the-wheel tests, or (iii) evaluation by a driver rehabilitation specialist are not*
25 *required to be referred to the Board. The Board shall submit to the Department its recommendations for*
26 *consideration prior to the scheduled appeal proceedings.* In addition, the Board shall assist the
27 Commissioner through the development of medical and health standards for use in the issuance of
28 driver's licenses by the Department to avoid the issuance of licenses to persons suffering from any
29 physical or mental disability or disease that will prevent their exercising reasonable and ordinary control
30 over a motor vehicle while driving it on the highways.

31 The Board shall meet at the pleasure of the Commissioner. Each member shall serve without
32 compensation but shall be reimbursed for his necessary expenses from funds appropriated to the
33 Department of Motor Vehicles.

ENROLLED

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