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**HOUSE BILL NO. 1878**

Offered January 11, 2017

Prefiled January 10, 2017

A *BILL to amend and reenact § 46.2-400 of the Code of Virginia, relating to suspension of license of person incompetent; notice.*

Patrons—Pogge and Hope

Referred to Committee on Transportation

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

**1. That § 46.2-400 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-400. Suspension of license of person not competent because of mental illness, intellectual disability, alcoholism, or drug addiction; return of license; duty of clerk of court.**

The Commissioner, on receipt of notice ~~that~~, shall suspend the license of (i) any person who has been legally adjudged to be incapacitated in accordance with Article 1 (§ 64.2-2000 et seq.) of Chapter 20 of Title 64.2 ~~or that a~~, unless on the basis of medical evidence in the court order the court has specifically permitted such person the right to drive, and (ii) any person discharged from a facility operated or licensed by the Department of Behavioral Health and Developmental Services who is, in the opinion of the authorities of the facility, not competent because of mental illness, intellectual disability, alcoholism, or drug addiction to drive a motor vehicle with safety to persons or property, ~~shall forthwith suspend his license; but~~, however, he shall not suspend the license if ~~the~~ such person has been adjudged competent by judicial order or decree.

In any case in which the person's license has been suspended prior to his discharge ~~it~~, the license shall not be returned to ~~him~~ the person unless the Commissioner is satisfied, after an examination such as is required of applicants by § 46.2-325, that the person is competent to drive a motor vehicle with safety to persons and property.

The clerk of the court in which the adjudication is made shall forthwith send a certified copy or abstract of such adjudication to the Commissioner, *unless the court order specifically permits a person adjudged incapacitated to retain the right to drive.*

INTRODUCED

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