

2017 SESSION

LEGISLATION NOT PREPARED BY DLS
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HOUSE BILL NO. 2476

Offered January 20, 2017

A *BILL to amend the Code of Virginia by adding a new Section 46.2-438.1, relating to an allowance for persons who have had their driving privileges revoked in other jurisdictions to petition for the opportunity to apply for a Virginia Driver's License.*

Patrons—LaRock and Minchew

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-438.1 as follows:

§ 46.2-438.1 *Persons who have had their driving privileges revoked in other jurisdictions; petition to apply for a driver's license*

Pursuant to Article V of the Driver's License Compact, any person who has been a resident of the Commonwealth for at least one year and who has had his driving privileges permanently revoked in another jurisdiction as a result of his convictions or an accumulation of convictions in that jurisdiction, may petition the circuit court of his residence jurisdiction for the privilege to apply and obtain a Virginia driver's license, including an original, renewal, duplicate and reissue. After receiving approval to apply for a driver's license from the circuit court, the person may make application to the Commissioner of the Department of Motor Vehicles for a Virginia driver's license. An approved petition only authorizes the person to drive in Virginia. If a person's petition is denied by the circuit court, he must wait one year before making a subsequent petition for approval.

A. If a person's driving privileges have been permanently revoked due to alcohol and/or drug related violations related to the operation of a motor vehicle convictions or accumulation of convictions the person shall petition for the privilege to apply and obtain a driver's license in the Commonwealth after the expiration of five years from the date of his last conviction. On such petition, and for good cause shown, the court may, in its discretion, grant to the person the privilege to apply and obtain a driver's license in the Commonwealth and determine whether such person shall install an ignition interlock system in accordance with § 18.2-270.1 on all motor vehicles, as defined in § 46.2-100, operated and/or owned by or registered to him, in whole or in part, for a period of at least six months, and upon whatever other conditions the court may prescribe, subject to the provisions of law relating to issuance of driver's licenses. Nothing in this section shall require the Commissioner to order an ignition interlock system pursuant to § 46.2-391.01.

If the court is satisfied from the evidence presented that: (i) at the time of his previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself or others with regard to the driving of a motor vehicle. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate.

The court may authorize the issuance of a restricted license and shall notify the Virginia Alcohol Safety Action Program which shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

B. If a person's driving privileges have been permanently revoked due to convictions or an accumulation of convictions other than alcohol and/or drug violations related to the operation of a motor vehicle, the person shall petition for the privilege to apply and obtain a driver's license in the Commonwealth after the expiration of five years from the date of his last conviction. On such petition, and for good cause shown, the court may, in its discretion, grant to the person the privilege to apply and obtain a driver's license in the Commonwealth on condition that such person does not constitute a threat to the safety and welfare of himself or others with regard to the driving of a motor vehicle.

The court may authorize the issuance of a restricted license for any of the purposes listed in § 18.2-271.1(E). Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

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