

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 849

An Act to amend and reenact § 46.2-499 of the Code of Virginia, relating to driver's licenses.

[S 429]

Approved April 20, 1994

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-499 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-499. Driver's license probation.

A. The Commissioner may place any person on probation for a period of not more than one year when probation is used in conjunction with the provisions of §§ 46.2-497 and 46.2-498. In addition, the Commissioner shall place any person on probation for a period of six months on receiving a record of a conviction of such person of any offense for which demerit points are assessed and the offense was committed within any driver control period imposed pursuant to § 46.2-500. Whenever a person who has been placed on probation is convicted, or found not innocent in the case of a juvenile, of any offense for which demerit points are assessed, and the offense was committed during the probation period, the Commissioner shall suspend the person's license or licenses for a period of one-half of the probation period when six demerit points are assigned, for a period of one-third of the probation period when four demerit points are assigned, and for a period of one-fourth of the probation period when three demerit points are assigned. In addition, the Commissioner shall again place the person on probation for a period equal to the probationary period originally prescribed for the person pursuant to § 46.2-497 or this section, effective on termination of the suspension imposed pursuant to this section.

B. *The Commissioner may grant a restricted license during the period of suspension imposed pursuant to subsection A of this section. Any person whose driver's license is suspended under subsection A of this section may request a hearing to be conducted by a driver improvement analyst, for the purpose of securing a restricted driver's license. The analyst may, in his discretion, for good cause shown, provide that such person be issued a restricted license to operate a motor vehicle for any or all of the following purposes: (i) travel to and from his place of employment; (ii) travel during the hours of such person's employment if the operation of a motor vehicle is a necessary incident of such employment; (iii) travel to and from school if such person is a student; or (iv) such other medically necessary travel as the analyst deems necessary. Written verifications of the person's continuing education or medically necessary travel shall also be required and made available to the Commissioner. Whenever a person who has been granted a restricted license pursuant to this subsection is convicted, or found not innocent in the case of a juvenile, of any offense for which demerit points are assessed, and the offense was committed during the restricted license period, the Commissioner shall suspend the person's license or licenses for the period of time the person's license was to be originally suspended. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).*