

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-259.1 of the Code of Virginia, relating to forfeiture of driver's*
3 *licenses for drug-related crimes.*

4 [H 535]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-259.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-259.1. Forfeiture of driver's license for violations of article.

9 A. In addition to any other sanction or penalty imposed for a violation of this article, the (i)
10 judgment of conviction under this article or (ii) placement on probation following deferral of further
11 proceedings under § 18.2-251 for any such offense shall of itself operate to deprive the person so
12 convicted or placed on probation after deferral of proceedings under § 18.2-251 of the privilege to drive
13 or operate a motor vehicle, engine, or train in the Commonwealth for a period of six months from the
14 date of such judgment. Such license forfeiture shall be in addition to and shall run consecutively with
15 any other license suspension, revocation or forfeiture in effect or imposed upon the person so convicted
16 or placed on probation. However, a juvenile who has had his license suspended or denied pursuant to
17 § 16.1-278.9 shall not have his license forfeited pursuant to this section for the same offense.

18 B. The court trying the case shall order any person so convicted or placed on probation to surrender
19 his driver's license to be disposed of in accordance with the provisions of § 46.2-398 and shall notify the
20 Department of Motor Vehicles of any such conviction entered and of the license forfeiture to be
21 imposed.

22 C. In those cases where the court determines there are compelling circumstances warranting an
23 exception, the court may provide that any individual ~~for whom the court has deferred further~~
24 ~~proceedings pursuant to § 18.2-251~~ be issued a restricted license to operate a motor vehicle for any or
25 all of the following purposes: (i) travel to and from his place of employment; (ii) travel to a screening,
26 evaluation and education program entered pursuant to § 18.2-251; (iii) travel during the hours of such
27 person's employment if the operation of a motor vehicle is a necessary incident of such employment;
28 (iv) travel to and from school if such person is a student, upon proper written verification to the court
29 that such person is enrolled in a continuing program of education; or (v) such other medically necessary
30 travel as the court deems necessary and proper upon written verification of need by a licensed health
31 professional. No restricted license issued pursuant to this subsection shall permit any person to operate a
32 commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et
33 seq.). The court shall order the surrender of such person's license in accordance with the provisions of
34 subsection B and shall forward to the Commissioner of the Department of Motor Vehicles a copy of its
35 order entered pursuant to this subsection. This order shall specifically enumerate the restrictions imposed
36 and contain such information regarding the person to whom such a permit is issued as is reasonably
37 necessary to identify such person. The court shall also provide a copy of its order to such person who
38 may operate a motor vehicle on the order until receipt from the Commissioner of the Department of
39 Motor Vehicles of a restricted license, but only if the order provides for a restricted license for that
40 period. A copy of the order and, after receipt thereof, the restricted license shall be carried at all times
41 by such person while operating a motor vehicle. Any person who operates a motor vehicle in violation
42 of any restriction imposed pursuant to this section shall be guilty of a violation of § 46.2-301.

ENROLLED

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