VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 31

An Act to amend and reenact § 18.2-266.1 of the Code of Virginia, relating to persons under age twenty-one driving after illegally consuming alcohol.

[H 1791]

Approved February 23, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-266.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-266.1. Persons under age twenty-one driving after illegally consuming alcohol; penalty.

A. It shall be unlawful for any person under the age of twenty-one to operate any motor vehicle after illegally consuming alcohol. Any such person with a blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath but less than 0.08 by weight by volume or less than 0.08 grams per 210 liters of breath as indicated by a chemical test administered as provided in this article shall be in violation of this section.

B. A violation of this section shall be punishable by forfeiture of such person's license to operate a motor vehicle for a period of six months from the date of conviction and by a fine of not more than $500. The penalties and license forfeiture provisions set forth in §§ 16.1-278.9, 18.2-270 and 18.2-271 shall not apply to a violation of this section. Any person convicted of a violation of this section shall be eligible to attend an Alcohol Safety Action Program under the provisions of § 18.2-271.1 and ~~shall~~ *may, in the discretion of the court,* be ~~eligible for~~ *issued* a restricted license during the term of license suspension.

C. Notwithstanding §§ 16.1-278.8 and 16.1-278.9, upon adjudicating a juvenile delinquent based upon a violation of this section, the juvenile and domestic relations district court shall order disposition as provided in subsection B.