

LD1589297

HOUSE BILL NO. 1926

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Corporations, Insurance and Banking
on February 4, 1995)

(Patron Prior to Substitute—Delegate Hull)

A BILL to amend and reenact §§ 38.2-2217 and 46.2-498 of the Code of Virginia, relating to reductions in insurance rates for certain drivers.

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-2217 and 46.2-498 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-2217. Reduction in rates for certain persons who attend motor vehicle accident prevention courses and driver improvement clinics.

A. Any schedule of rates, rate classifications or rating plans for motor vehicle insurance as defined in § 38.2-2212 filed with the Commission shall provide for an appropriate reduction in premium charges for those insured persons who are fifty-five years of age and older and who qualify as provided in this subsection. Only those insured persons who have successfully completed a motor vehicle accident prevention course approved by the Department of Motor Vehicles shall qualify for a three-year period after the completion of the course for the reduction in rates. No reduction in premiums shall be allowed for a self-instructed course or for any course that does not provide actual classroom instruction for a minimum number of hours as determined by the Department of Motor Vehicles.

B. Any schedule of rates, rate classifications or rating plans for motor vehicle insurance as defined in § 38.2-2212 filed with the Commission may provide for an appropriate reduction in premium charges for a two year period for those insured persons who are fifty-four years of age or younger and who have satisfactorily completed a driver improvement clinic approved by the Department of Motor Vehicles, as set forth in Article 19 (§ 46.2-489 et seq.) of Chapter 3 of Title 46.2. No person assigned by the courts or notified by the Department of Motor Vehicles to attend a driver improvement clinic shall be eligible for such reduction in premium charges.

C. The Commission and the Department of Motor Vehicles may promulgate rules and regulations which will assist them in carrying out the provisions of this section.

D. All insurers writing motor vehicle insurance in Virginia as defined in § 38.2-2212 shall allow an appropriate reduction in premium charges to all eligible persons subject to the provisions of this section subsection A.

E. Upon successfully completing the approved course, the course's sponsor shall issue to each participant a certificate approved by the Department of Motor Vehicles which shall be evidence of qualification satisfactory completion of either a motor vehicle accident prevention course or a driver improvement clinic for the reduction in premium charges. Participants shall be required to provide satisfactory evidence to the insurance provider that the course or clinic was completed in accordance with this section.

F. Each participant in a motor vehicle accident prevention course shall take an approved course every three years in order to continue to be eligible for the reduction in premium charges. Each voluntary participant in a driver improvement clinic shall take an approved course every two years in order to continue to be eligible for the reduction in premium charges, if any.

G. Nothing in this section prevents an insurer from offering appropriately reduced rates based solely on age to an insured person over the age of fifty-five years.

§ 46.2-498. Driver improvement clinics.

The Commissioner shall implement a system of driver improvement clinics for the purpose of dealing with those persons identified as problem drivers in need of driver improvement education and training. The clinics shall be composed of uniform education and training programs designed for the rehabilitation of the problem drivers, and for the purpose of creating a lasting and corrective influence on their driving performances.

The clinic classes shall be scheduled to begin at a reasonable hour during the evenings and shall be conducted for a two-hour period, one night each week for four consecutive weeks. The Commissioner may, when he deems it necessary because of unusual conditions or circumstances, schedule and conduct clinic classes between the hours of 8:30 a.m. and 5:00 p.m.

Every person who attends a driver improvement clinic and who satisfactorily completes the clinic shall have five demerit points subtracted from his total accumulation of demerit points, except in those instances where a person has not accumulated five demerit points, in which case a reduction in demerit points and/or the award of safe driving points will be made. No person shall be allowed to accumulate more than five safe driving points.

No person shall be rescheduled to attend a driver improvement clinic for a period of two years from

60 the date he satisfactorily completes the clinic; however, the provisions of this section shall not apply to
61 any person who is required to attend a driver improvement clinic in accordance with the provisions of
62 § 46.2-505.

63 The Commissioner may solicit organizations or persons, knowledgeable in highway safety driving
64 standards, to participate in conjunction with the Department of Motor Vehicles in the development of
65 the local driver improvement clinic program and in conducting the driver improvement clinic classes.
66 The Commissioner may employ the services of qualified professional instructors for the purpose of
67 conducting driver improvement clinic classes in those areas of the Commonwealth where it is not
68 economically practicable to maintain the full-time services of a driver improvement analyst.

69 Any resident or nonresident person holding a valid license to drive a motor vehicle in Virginia,
70 whether or not he has accumulated demerit points, may apply to the Department in writing for
71 permission to attend a driver improvement clinic on a voluntary basis. The Commissioner may, when
72 seating space is available, schedule the person to attend a driver improvement clinic.

73 *Persons who voluntarily attend and satisfactorily complete a driver improvement clinic shall be*
74 *eligible (i) to have five demerit points subtracted from their total accumulation of demerit points, except*
75 *in those instances where a person has not accumulated five demerit points, in which case a reduction in*
76 *demerit points and/or the award of safe driving points will be made, or (ii) to receive a reduction in*
77 *premium charges as set forth under § 38.2-2217, either of which, but not both, shall be awarded or*
78 *received no more than once in a two-year period. Such persons shall inform the business, organization*
79 *or individual providing instruction if they are attending to be awarded safe driving points or to receive*
80 *a reduction in premium charges as set forth under § 38.2-2217.*