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## SENATE BILL NO. 887

Offered January 20, 1995

*A BILL to amend and reenact § 46.2-707 of the Code of Virginia, relating to registration of uninsured motor vehicles.*

Patrons—Reasor, Chichester, Holland, R.J., Nolen and Schewel; Delegates: Bloxom, Fisher, Katzen, Newman, Purkey, Rhodes, Shuler, Spruill, Tata and Wardrup

Referred to the Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-707 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-707. Operating uninsured motor vehicle without payment of fee; furnishing certificate of insurance; false evidence of insurance.

A. Any person who owns an uninsured motor vehicle (i) licensed in the Commonwealth, (ii) subject to registration in the Commonwealth, or (iii) displaying temporary license plates provided for in § 46.2-1558 who operates or permits the operation of that motor vehicle without first having paid to the Commissioner the uninsured motor vehicle fee required by § 46.2-706, to be disposed of as provided by § 46.2-710, shall be guilty of a Class 3 misdemeanor.

B. Any person who is the operator of such an uninsured motor vehicle and not the titled owner, who knows that the required fee has not been paid to the Commissioner, shall be guilty of a Class 3 misdemeanor.

C. The Commissioner or his duly authorized agent, having reason to believe that a motor vehicle is being operated or has been operated on any specified date, may require the owner of such motor vehicle to submit the certificate of insurance provided for by § 46.2-706. The refusal or neglect of the owner who has not, prior to the date of operation, paid the uninsured motor vehicle fee required by § 46.2-706 as to such motor vehicle, to furnish such certificate shall be prima facie evidence that the motor vehicle was an uninsured motor vehicle at the time of such operation.

D. Any person who presents or causes to be presented to the Commissioner a false certificate that a motor vehicle is an insured motor vehicle or false evidence that a motor vehicle sought to be registered is an insured motor vehicle, shall be guilty of a Class 3 misdemeanor.

However, the foregoing portions of this section shall not be applicable if it is established that the owner had good cause to believe and did believe that such motor vehicle was an insured motor vehicle, in which event the provisions of § 46.2-609 shall be applicable.

Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this section shall be forwarded to the Commissioner as prescribed by § 46.2-383.

E. The Commissioner shall suspend the driver's license and all registration certificates and license plates of any titled owner of an uninsured motor vehicle upon receiving a record of his conviction of a violation of any provisions of this section, and he shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of such person until such person pays the fee applicable to the registration of an uninsured motor vehicle as prescribed in § 46.2-706 and furnishes proof of future financial responsibility as prescribed by Article 15 (§ 46.2-435 et seq.) of Chapter 3 of this title. However, when three years have elapsed from the date of the suspension herein required, the Commissioner may relieve such person of the requirement of furnishing proof of future financial responsibility. When such suspension results from a conviction for presenting or causing to be presented to the Commissioner a false certificate as to whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be registered is insured, then the Commissioner shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of such person so convicted for a period of 180 days from the date of such order of suspension, and only then when all other provisions of law have been complied with by such person.

F. Any person who either (i) violates any of the provisions of this section by knowingly operating an uninsured motor vehicle without first having paid to the Commissioner the fee required by § 46.2-706 for the registration of an uninsured motor vehicle or (ii) knowingly permits another person to operate such a motor vehicle and is injured or killed in connection with the operation of such motor vehicle shall be deemed to have waived his right to recover for noneconomic loss incurred by him or his estate against a person complying with any of the four methods or proving financial responsibility under § 46.2-436.

The operator or owner of the estate of such operator or owner shall be entitled to recover all reasonable expenses arising from the accident for: reasonable and necessary medical, surgical x-ray

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60 *and dental services, including prosthetic devices; necessary ambulance, hospital professional nursing,*  
61 *and funeral services; and in the case of an income producer, any loss of income suffered by such owner*  
62 *or operator or the statutory beneficiaries of his estate as a result of the accident.*

63 *An award for the benefits described in this subsection shall be conditioned upon the injured person's*  
64 *furnishing reasonable medical proof of the injury causing loss of income.*

65 *The waiver provided for in this subsection shall apply only to the owner or operator of an uninsured*  
66 *motor vehicle.*

67 G. The Commissioner shall suspend the driver's license of any person who is the operator but not the  
68 titled owner of a motor vehicle upon receiving a record of his conviction of a violation of any  
69 provisions of this section and he shall not thereafter reissue the driver's license until thirty days from the  
70 date of such order of suspension.