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## HOUSE BILL NO. 1014

Offered January 26, 1998

*A BILL to amend and reenact § 46.2-498 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-334.01 and 46.2-810.1, relating to driver improvement clinics; restrictions on driver's licenses issued to persons less than eighteen years old; limitation on the number of certain motor vehicle passengers; penalties.*

Patrons—Scott, Albo, Almand, Barlow, Brink, Bryant, Callahan, Cantor, Clement, Darner, Davies, Devolites, Drake, Hamilton, Keating, Landes, Moran, Murphy, Nixon, O'Brien, Parrish, Plum, Puller, Rust, Spruill, Van Yahres, Watts and Williams; Senators: Barry, Gartlan, Howell and Ticer

Referred to Committee on Transportation

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

**1. That § 46.2-498 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-334.01 and 46.2-810.1 as follows:**

*§ 46.2-334.01. Licenses issued to persons less than eighteen years old subject to certain restrictions.*

*A. Any driver's license issued on or after July 1, 1998, to any person less than eighteen years old shall be subject to the following:*

*1. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less than eighteen years old shows that he has been convicted or found not innocent of an offense for which one or more demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) of this chapter, the Commissioner shall direct such person to attend a driver improvement clinic, and such person shall be subject to probation pursuant to § 46.2-499.*

*2. If any person less than eighteen years old is convicted or found not innocent of any such offense a second time, in addition to any other penalty assessed, the court shall suspend such person's driver's license for a period of not less than three nor more than six months.*

*3. If any such person is convicted or found not innocent of any such offense for a third time, in addition to any other penalty assessed, the court shall revoke his driver's license for one year or until such person reaches the age of eighteen years, whichever is longer.*

*4. No suspension or revocation imposed under this subsection shall be suspended in whole or in part.*

*B. However, upon attaining the age of seventeen years, the restrictions enumerated in subsection A of this section and the provisions of § 46.2-810.1 shall no longer apply to any licensee whose driving record indicates that the applicant:*

*1. Has held for at least twelve months a driver's license subject to the restrictions contained in subsection A of this section;*

*2. Has successfully completed a driver education course either (i) approved by the State Department of Education or (ii) offered by a commercial driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.); and*

*3. Has not been convicted or found not innocent of violating any law, ordinance, or regulation relating to the operation of a motor vehicle. For purposes of this section, parking citations shall not be considered violations relating to the operation of a motor vehicle.*

*C. If, at any time prior to attaining the age of eighteen years, a licensee whose driving record indicates that his license is no longer subject to the restrictions contained in subsection A of this section is found to have violated any law, ordinance, or regulation relating to the operation of a motor vehicle, in addition to any other penalties imposed, his license shall again be subject to the restrictions contained in subsection A of this section and the provisions of § 46.2-810.1 shall again apply to his operation of a motor vehicle.*

*§ 46.2-498. Driver improvement clinics; voluntary attendance.*

*A. Whenever the driving record of any person shows an accumulation of at least twelve demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic offenses committed within a period of twelve consecutive months, or at least eighteen demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic offenses committed within a period of twenty-four consecutive months, respectively, the Commissioner shall direct the person to attend a driver improvement clinic.*

*A1. Notwithstanding the provisions of subsection A of this section, whenever the driving record of a person under the age of eighteen years shows an accumulation of (i) at least nine points based on convictions, or findings of not innocent, for traffic offenses committed within a period of twelve*

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60 consecutive months or (ii) at least twelve points based on convictions, or findings of not innocent, for  
61 traffic offenses committed within a period of twenty-four consecutive months, the Commissioner shall  
62 direct the person to attend a driver improvement clinic and such person shall be subject to probation  
63 pursuant to § 46.2-499.

64 B. Except as provided for in subsection C of this section and in § 46.2-505, every person who  
65 attends a driver improvement clinic conducted by the Department or those businesses, organizations,  
66 governmental entities or individuals certified by the Department to provide driver improvement clinic  
67 instruction and who satisfactorily completes the clinic shall have five demerit points subtracted from his  
68 total accumulation of demerit points, except in those instances where a person has not accumulated five  
69 demerit points, in which case a reduction in demerit points and/or the award of safe driving points will  
70 be made. No person shall be allowed to accumulate more than five safe driving points.

71 Safe driving points shall be awarded or reductions in premium charges, as set forth in § 38.2-2217,  
72 shall be received for the completion of a driver improvement clinic only once within a period of two  
73 years from the date a person satisfactorily completes the clinic. Persons shall be eligible to voluntarily  
74 attend a driver improvement clinic again for either safe driving points or a reduction in premium  
75 charges, whichever was not awarded or received previously, one year from the date of satisfactory  
76 completion of a driver improvement clinic in which safe driving points or a reduction in premium  
77 charges was received or awarded.

78 C. Any resident or nonresident person holding a valid license to drive a motor vehicle in Virginia,  
79 whether or not he has accumulated demerit points, may apply to any business, organization,  
80 governmental entity or individual certified by the Department to provide driver improvement clinic  
81 instruction for permission to attend a driver improvement clinic on a voluntary basis. Such businesses,  
82 organizations, governmental entities or individuals may, when seating space is available, schedule the  
83 person to attend a driver improvement clinic.

84 Persons who voluntarily attend and satisfactorily complete a driver improvement clinic shall be  
85 eligible (i) to have five demerit points subtracted from their total accumulation of demerit points, except  
86 in those instances where a person has not accumulated five demerit points, in which case a reduction in  
87 demerit points and/or the award of safe driving points will be made, or (ii) to receive a reduction in  
88 premium charges as set forth under § 38.2-2217, either of which, but not both, shall be awarded or  
89 received no more than once in a two-year period, as set forth in subsection B of this section. Such  
90 persons shall inform the business, organization or individual providing instruction if they are attending  
91 to be awarded safe driving points or to receive a reduction in premium charges as set forth under  
92 § 38.2-2217.

93 *§ 46.2-810.1. Limitation on number of certain passengers.*

94 *No motor vehicle, while being operated by any person holding a driver's license subject to the*  
95 *restrictions contained in subsection A of § 46.2-334.01, shall transport more than two passengers, in*  
96 *addition to the driver, who are less than eighteen years old.*