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HOUSE BILL NO. 1328

Offered January 26, 1998

A BILL to amend and reenact § 46.2-894 of the Code of Virginia, relating to motor vehicle accidents; proof of insurance; confiscation of certain driver's licenses and license plates and impoundment of certain vehicles; penalty.

Patron—Marshall

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-894 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-894. Duty of driver to stop, etc., in event of accident involving injury or death or damage to attended property; officer to confiscate certain driver's licenses and license plates; penalty.

A. The driver of any vehicle involved in an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged shall immediately stop as close to the scene of the accident as possible without obstructing traffic, as provided in § 46.2-888, and report his name, address, driver's license number, and vehicle registration number forthwith to the State Police or local law-enforcement agency, to the person struck and injured if such person appears to be capable of understanding and retaining the information, or to the driver or some other occupant of the vehicle collided with or to the custodian of other damaged property. The driver shall also render reasonable assistance to any person injured in such accident, including taking such injured person to a physician, surgeon, or hospital if it is apparent that medical treatment is necessary or is requested by the injured person.

Where, because of injuries sustained in the accident, the driver is prevented from complying with the foregoing provisions of this section, the driver shall, as soon as reasonably possible, make the required report to the State Police or local law-enforcement agency and make a reasonable effort to locate the person struck, or the driver or some other occupant of the vehicle collided with, or the custodian of the damaged property, and report to such person or persons his name, address, driver's license number, and vehicle registration number.

B. The law-enforcement officer either charged with investigating or present at the scene of any accident (i) required to be reported to the State Police or local law-enforcement agency under subsection A of this section or (ii) at which or as the result of which a citation for the violation of any law of the Commonwealth is issued, shall require every operator of a vehicle involved in the accident to show proof that the vehicle he was operating either (i) is an insured vehicle as defined in § 46.2-705 or (ii) is registered as an uninsured vehicle under Article 9 (§ 46.2-705 et seq.) of Chapter 6 of this title. Operators holding Virginia driver's licenses shall be allowed twenty-four hours to present such proof. Operators holding driver's licenses not issued by Virginia shall be required to present such proof forthwith. If any such operator is unable to provide such proof, the officer shall immediately take possession of that operator's driver's license and the license plates of the vehicle he was operating at the time of the accident and impound the vehicle.

Any operator whose driver's license and vehicle license plates are taken and whose vehicle is impounded under this subsection may petition the general district court of the jurisdiction in which the accident or impoundment occurred to review those takings and that impoundment. The court shall review the takings and impoundment within the same time period as the court hears an appeal from an order denying bail or fixing terms of bail or terms of recognizance, giving this matter precedence over all other matters on its docket. If the operator proves to the court that the vehicle he was operating at the time of the accident either (i) was an insured vehicle as defined in § 46.2-705 or (ii) was registered as an uninsured vehicle under Article 9 (§ 46.2-705 et seq.) of Chapter 6 of this title, the court shall order the immediate return of the driver's license, vehicle license plates, and vehicle to the operator. Otherwise, the court shall retain possession of the driver's license and license plates and order the continued impoundment of the vehicle until the operator proves that the proper insurance or registration for the vehicle has been obtained.

Takings of licenses and vehicle license plates and impoundments of vehicles provided for in this subsection shall be in addition to any other penalties that may be imposed.

INTRODUCED

HB1328