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HOUSE BILL NO. 872

Offered January 26, 1998

A BILL to amend and reenact § 46.2-492 of the Code of Virginia, relating to the assignment of driver demerit points under the uniform demerit point system.

Patrons—Griffith, Drake, Kilgore and Nixon

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-492 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-492. Uniform Demerit Point System.

A. The Commissioner shall assign point values to those convictions, or findings of not innocent in the case of a juvenile, which are required to be reported to the Department in accordance with § 46.2-383 for traffic offenses committed in violation of the laws of the Commonwealth or any county, city, or town ordinance paralleling and substantially conforming to state law, provided that no conviction, or finding of not innocent in the case of a juvenile for any offense, relating to registration, insurance, or equipment shall be included except as otherwise provided by this title.

B. The Commissioner shall assign point values to those convictions received from any other state of the United States, the United States, Canada or its provinces, or any territorial subdivision of any of them, of an offense therein, which if committed in this Commonwealth, would be required to be reported to the Department by § 46.2-383.

C. Notwithstanding the provisions of subsection A or B of this section, no point assignment shall be made for those convictions that require the mandatory revocation or suspension of the license by the Commissioner. No point assignment shall be made for any conviction which results from a vehicle having been parked or stopped, in order for the driver to sleep or rest, on the shoulder or other portion of a highway not ordinarily used for vehicular traffic. The court shall make a separate finding on this issue and note such finding on the conviction record.

D. The Uniform Demerit Point System standard for rating convictions of traffic offenses shall be based on the severity of the offense and the potential hazardous exposure to other users of the highways and streets. The Commissioner shall designate the point values assigned to convictions, or findings of not innocent in the case of a juvenile, on a graduated scale not to exceed six demerit points for any single conviction, except that no demerit points shall be assessed for any conviction when the court suspends the driver's license because of the conviction. The Commissioner shall develop point system assignments as follows:

1. Serious traffic offenses such as *driving while intoxicated in violation of § 18.2-266, persons under age twenty-one driving after illegally consuming alcohol in violation of § 18.2-266.1*, reckless driving in violation of § 46.2-852, speeding twenty or more miles per hour above the posted speed limit, racing in violation of § 46.2-865, and other serious traffic offenses as the Commissioner may designate, shall be assigned six demerit points.

2. Relatively serious traffic offenses such as failure to yield the right-of-way in violation of §§ 46.2-820 through 46.2-823, speeding between ten and nineteen miles per hour above the posted speed limit, following too closely in violation of § 46.2-816, failure to stop when entering a highway in violation of § 46.2-863, and other relatively serious traffic offenses as the Commissioner may designate, shall be assigned four demerit points.

3. Traffic offenses of a less serious nature such as improper driving in violation of § 46.2-869, speeding between one and nine miles per hour above the posted speed limit, improper passing in violation of § 46.2-838, failure to obey a highway sign in violation of § 46.2-830 and other offenses of a less serious nature as the Commissioner may designate, shall be assigned three demerit points.

E. When a person is convicted of two or more traffic offenses committed on a single occasion, he shall be assessed points for one offense only and if the offenses involved have different point values, he shall be assessed points for the offense having the greater point value.

INTRODUCED

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