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SENATE BILL NO. 484

Offered January 26, 1998

A BILL to amend and reenact §§ 32.1-73.2 and 46.2-411 of the Code of Virginia, relating to license reinstatement fee; Neurotrauma Initiative Trust Fund.

Patrons—Couric, Barry, Bolling, Colgan, Edwards, Forbes, Gartlan, Hanger, Holland, Howell, Lambert, Lucas, Marsh, Martin, Marye, Maxwell, Miller, K.G., Miller, Y.B., Potts, Quayle, Reasor, Reynolds, Saslaw, Schrock, Stosch, Ticer, Trumbo, Waddell, Walker, Wampler, Whipple and Williams;
Delegates: Abbitt, Bennett, Clement, Katzen, Robinson and Van Yahres

Referred to the Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-73.2 and 46.2-411 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-73.2. Commonwealth Neurotrauma Initiative Trust Fund established.

A. For the purpose of preventing traumatic spinal cord or brain injuries and improving the treatment and care of Virginians with traumatic spinal cord or brain injuries, there is hereby created in the state treasury a special nonreverting fund to be known as the Commonwealth Neurotrauma Initiative Trust Fund, hereinafter referred to as the "Fund." The Fund shall be established on the books of the Comptroller as a revolving fund and shall be administered by the Commonwealth Neurotrauma Initiative Advisory Board, in cooperation with the Commissioner of Health. The Fund shall consist of grants, donations and bequests from public and private sources *and funds collected as provided in § 46.2-411*. Such moneys shall be deposited into the state treasury to the credit of the Fund and shall be used for the purposes of this article.

B. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall be distributed according to the grant procedures established pursuant to § 32.1-73.4. Moneys in the Fund shall be used solely to support grants for Virginia-based organizations, institutions, and researchers ~~for education on prevention of traumatic spinal cord or brain injuries, basic science and clinical research on the mechanisms and treatment of neurotrauma, and community-based rehabilitative services for individuals with traumatic spinal cord or brain injuries as follows: (i) ten percent shall be allocated for education on prevention of traumatic spinal cord or brain injuries, (ii) forty percent shall be allocated for basic science and clinical research on the mechanisms and treatment of neurotrauma, and (iii) forty percent shall be allocated for rehabilitative research and community-based rehabilitative services for individuals with traumatic spinal cord or brain injuries.~~ No more than ten percent of ~~such~~ the Fund may be used for administration.

§ 46.2-411. Reinstatement of suspended or revoked license or other privilege to operate or register a motor vehicle; proof of financial responsibility; reinstatement fee.

The Commissioner may refuse, after a hearing if demanded, to issue to any person whose license has been suspended or revoked, any new or renewal license, or to register any motor vehicle in the name of the person, whenever he deems or in case of a hearing finds it necessary for the safety of the public on the highways in the Commonwealth.

Before granting or restoring a license or registration to any person whose driver's license or other privilege to drive motor vehicles or privilege to register a motor vehicle has been revoked or suspended pursuant to §§ 46.2-389, 46.2-391, 46.2-391.1 ~~and or~~ 46.2-417, the Commissioner shall require proof of financial responsibility in the future as provided in Article 15 (§ 46.2-435 et seq.) of this chapter, but no person shall be licensed who may not be licensed under the provisions of §§ 46.2-389 through 46.2-431.

Whenever the driver's license or registration cards, license plates and decals, or other privilege to drive or to register motor vehicles of any resident or nonresident person, is suspended or revoked by the Commissioner or by a district court or ~~by~~ a circuit court pursuant to the provisions of Title 18.2 or this title, or any valid local ordinance, the order of suspension or revocation shall remain in effect and the driver's license, registration cards, license plates and decals, or other privilege to drive or register motor vehicles shall not be reinstated and no new driver's license, registration cards, license plates and decals, or other privilege to drive or register motor vehicles shall be issued or granted unless such person, in addition to complying with all other provisions of law, pays to the Commissioner a *reinstatement fee of thirty dollars. The reinstatement fee shall be increased by thirty dollars whenever such suspension or revocation results from conviction of involuntary manslaughter in violation of § 18.2-36.1; conviction of maiming resulting from driving while intoxicated in violation of § 18.2-51.4; conviction of driving while intoxicated in violation of § 18.2-266 or § 46.2-341.24; conviction of driving after illegally consuming*

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60 alcohol in violation of § 18.2-266.1 or failure to comply with court imposed conditions pursuant to
61 subsection D of § 18.2-271.1; unreasonable refusal to submit to drug or alcohol testing in violation of
62 § 18.2-268.2; conviction of driving while a license, permit or privilege to drive was suspended or
63 revoked in violation of § 46.2-301 or § 46.2-341.21; disqualification pursuant to § 46.2-341.20;
64 adjudication as an habitual offender in violation of (i) subdivision 1a, b, c, or f or 2 of § 46.2-351, or
65 (ii) a local ordinance similar to a subdivision listed in clause (i); violation of driver license probation
66 pursuant to § 46.2-499; failure to attend driver improvement interviews or clinics pursuant to § 46.2-503
67 or habitual offender interventions pursuant to § 46.2-351.1; conviction of eluding police in violation of
68 § 46.2-817; conviction of hit and run in violation of § 46.2-894; conviction of reckless driving in
69 violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 or a conviction, finding or
70 adjudication under any similar local ordinance, federal law or law of any other state. Five dollars of
71 the additional amount shall be retained by the Department as provided in this section and twenty-five
72 dollars shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund established
73 pursuant to Article 12 (§ 32.1-73.1 et seq.) of Chapter 2 of Title 32.1. When three years ~~has~~ have
74 elapsed from the termination date of the order of suspension or revocation and the person has complied
75 with all other provisions of law, the Commissioner may relieve him of paying the reinstatement fee,
76 except that portion which is payable to the Commonwealth Neurotrauma Initiative Trust Fund.

77 No reinstatement fee shall be required when the suspension or revocation of license results from the
78 person's suffering from mental or physical infirmities or disabilities from natural causes not related to
79 the use of self-administered intoxicants or drugs. No reinstatement fee shall be collected from any
80 person whose license is suspended by a court of competent jurisdiction for any reason, other than a
81 cause for mandatory suspension as provided in this title, provided the court ordering the suspension is
82 not required by § 46.2-398 to forward the license to the Department during the suspended period.

83 ~~Reinstatement~~ Except as otherwise provided in this section and § 18.2-271.1, reinstatement fees
84 collected under the provisions of this section shall be paid by the Commissioner into the state treasury
85 and shall be set aside as a special fund to be used to meet the expenses of the Department.