

1999 SESSION

ENROLLED

HOUSE JOINT RESOLUTION NO. 599

Requesting the Advisory Board of the Virginia Alcohol Safety Action Program Commission to study certain aspects of Virginia's implied consent law.

Agreed to by the House of Delegates, February 5, 1999

Agreed to by the Senate, February 18, 1999

WHEREAS, Virginia law provides for the implied consent to testing for the presence of alcohol or drugs simply by operating a motor vehicle within the Commonwealth; and

WHEREAS, the law does not, however, recognize situations where a driver is deceased or incapacitated as the result of an alcohol or drug related accident and an arrest is not or cannot be made or a test is not or cannot be administered within the time limitations established by the implied consent law; and

WHEREAS, a number of states do provide for mandatory testing in these circumstances where a suspected drunk driver is killed or incapacitated; and

WHEREAS, there is a need to study this particular part of Virginia's implied consent law; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Advisory Board of the Virginia Alcohol Safety Action Program Commission be requested to study certain aspects of Virginia's implied consent law. Technical assistance shall be provided to the Advisory Board by the Department of State Police, upon request.

All agencies of the Commonwealth shall provide assistance to the Advisory Board for this study, upon request.

The Advisory Board shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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