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## SENATE BILL NO. 1311

Offered January 21, 1999

*A BILL to amend and reenact §§ 46.2-341.18 and 46.2-1001 of the Code of Virginia, relating to operation of unsafe vehicles; penalty.*

Patrons—Potts, Barry, Colgan, Houck, Howell, Lucas, Mims, Norment, Puckett, Quayle, Stosch and Williams; Delegates: Black, Katzen, Landes, Wardrup and Weatherholtz

Referred to Committee on Transportation

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

**1. That §§ 46.2-341.18 and 46.2-1001 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-341.18. Disqualification for certain offenses.

A. Except as otherwise provided in this section, the Commissioner shall disqualify for a period of one year any person whose record, as maintained by the Department of Motor Vehicles, shows that he has been convicted of any of the following offenses, if such offense was committed while operating a commercial motor vehicle:

1. A violation of any provision of § 46.2-341.24 or a violation of any federal law or the law of another state substantially similar to § 46.2-341.24;

2. A violation of any provision of § 18.2-51.4 or § 18.2-266 or a violation of a local ordinance paralleling or substantially similar to § 18.2-51.4 or § 18.2-266, or a violation of any federal, state or local law or ordinance substantially similar to § 18.2-51.4 or § 18.2-266;

3. Refusal to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath in accordance with §§ 18.2-268.1 through 18.2-268.12 or this article, or the comparable laws of any other state or jurisdiction;

4. Failure of the driver whose vehicle is involved in an accident which results in the death of or injury to another person, to stop and disclose his identity at the scene of the accident; or

5. Commission of any crime punishable as a felony in the commission of which a motor vehicle is used, other than a felony described in § 46.2-341.19; or

6. A violation of subsection A of § 46.2-1001.

B. The Commissioner shall disqualify any such person for a period of three years if any offense listed in subsection A of this section was committed while driving a commercial motor vehicle used in the transportation of hazardous materials required to be placarded under federal Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

C. The Commissioner shall disqualify for life any person whose record, as maintained by the Department, shows that he has been convicted of two or more violations of any of the offenses listed in subsection A of this section, if each offense arose from a separate incident. If two or more such disqualification offenses arise from the same incident, the disqualification periods imposed pursuant to subsection A or B of this section shall run consecutively and not concurrently.

D. The Department may issue, if permitted by federal law, regulations establishing guidelines, including conditions, under which a disqualification for life under subsection C may be reduced to a period of not less than ten years.

E. Only offenses committed on or after January 1, 1990, shall be subject to provisions of this section.

§ 46.2-1001. Operation of unsafe motor vehicles prohibited; removal of unsafe vehicles; penalty.

A. *No person shall operate any motor vehicle, trailer, or semitrailer with defective brakes, tires, wheels, steering mechanism, or any other condition which is likely to cause an accident or a breakdown of the motor vehicle, trailer, or semitrailer. Any person who, through an inspection performed under subsection B of this section, is found to have operated any motor vehicle, trailer, or semitrailer in violation of this subsection shall, upon conviction, be punished by a fine of \$10,000 and suspension of his driver's license for one year.*

B. Any motor vehicle, trailer, or semitrailer examined by a law-enforcement officer certified to perform vehicle safety inspections and found to be operating with defective brakes, tires, wheels, steering mechanism, or any other condition which is likely to cause an accident or a breakdown of the motor vehicle, trailer, or semitrailer may be removed from the highway and not permitted to operate again on the highway until the defects have been corrected and the law-enforcement officer has found the corrections to be satisfactory. Such law-enforcement officer may allow any motor vehicle, trailer, or semitrailer discovered to be in such an unsafe condition while being operated on the highway to

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60 continue in operation only to the nearest place where repairs can be safely effected and only if such  
61 operation is less hazardous to the public than to permit the motor vehicle, trailer, or semitrailer to  
62 remain on the highway.

63 No person shall operate a motor vehicle, trailer, or semitrailer which has been removed from service  
64 as provided in the foregoing provisions of this section prior to correction and proper authorization by a  
65 law-enforcement officer certified to perform vehicle safety inspection procedures.

66 For the purpose of this section, the term "law-enforcement officer certified to perform vehicle safety  
67 inspections" shall include (i) State Police officers, and (ii) those law-enforcement officers of the City of  
68 Alexandria, the City of Chesapeake, the City of Fairfax, the City of Falls Church, the City of  
69 Lynchburg, the City of Manassas, the City of Norfolk, the City of Suffolk, the City of Virginia Beach,  
70 Arlington County, Chesterfield County, Fairfax County and any city contiguous thereto, Henrico County,  
71 Loudoun County, or Prince William County who have satisfactorily completed a course of instruction as  
72 prescribed by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor  
73 Carrier Safety, in federal motor carrier safety regulations, safety inspection procedures, and  
74 out-of-service criteria. Those law-enforcement officers certified to place vehicles out of service must  
75 receive annual in-service training in current federal motor carrier safety regulations, safety inspection  
76 procedures, and out-of-service criteria. The Superintendent of State Police shall be responsible for  
77 coordinating the annual in-service training. The agency administrator of the law-enforcement agencies  
78 authorized to perform vehicle safety inspections shall submit to the Department of State Police the  
79 names of each law-enforcement officer certified to perform vehicle safety inspections who has  
80 satisfactorily completed a course of instruction as prescribed by the U.S. Department of Transportation,  
81 Federal Highway Administration, Bureau of Motor Carrier Safety.

82 Every vehicle inspected by a local law-enforcement officer pursuant to this section and found to be  
83 free of defects which would constitute grounds for removal of the vehicle from service shall be issued a  
84 sticker as evidence of such inspection and freedom from defects. Such stickers shall be valid for ninety  
85 days. Any vehicle displaying a valid sticker shall be exempt from local or State Police inspections under  
86 this section. However, the fact that a vehicle displays a valid sticker shall not prevent any local or State  
87 Police officer from stopping and inspecting the vehicle if he observes an obvious safety defect. The  
88 Superintendent of State Police shall work cooperatively with local law-enforcement agencies of localities  
89 whose officers are authorized to perform inspections pursuant to this section to develop a standard  
90 sticker as provided for in this section and uniform policies and procedures for issuance and display of  
91 such stickers.

92 However, notwithstanding the foregoing provisions of this section, before placing any vehicle out of  
93 service, the vehicle operator shall be allowed two hours to effect repairs to his vehicle. Such repairs may  
94 be performed at the site where the vehicle was inspected and found to be unsafe, provided the vehicle  
95 requiring repair is off the highway, where the repairs can be effected safely. If such repairs remedy the  
96 condition or conditions that would have caused it to be taken out of service, it shall not be taken out of  
97 service, but allowed to resume its operations. No such repairs, however, shall be allowed if the vehicle's  
98 load consists of hazardous material as defined in § 10.1-1400.