

# VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

## CHAPTER 441

*An Act to amend and reenact § 46.2-322 of the Code of Virginia, relating to examination of driver's license holders thought to be incompetent.*

[S 1144]

Approved March 24, 2011

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

**1. That § 46.2-322 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-322. Examination of licensee believed incompetent; suspension or restriction of license; license application to include questions as to physical or mental conditions of applicant; false answers; examination of applicant; physician's, nurse practitioner's, or physician assistant's statement.

A. If the Department has good cause to believe that a driver is incapacitated and therefore unable to drive a motor vehicle safely, after written notice of at least 15 days to the person, it may require him to submit to an examination to determine his fitness to drive a motor vehicle. If the driver so requests in writing, the Department shall give the Department's reasons for the examination, including the identity of all persons who have supplied information to the Department regarding the driver's fitness to drive a motor vehicle. However, the Department shall not supply the reasons or information if its source is a relative of the driver or a physician, physician assistant, ~~or~~ nurse practitioner, a pharmacist, or ~~another~~ *other* licensed medical professional as defined in § 38.2-602 treating, or prescribing medications for, the driver.

B. As a part of its examination, the Department may require a physical examination by a licensed physician ~~or~~, licensed nurse practitioner, *or licensed physician assistant* and a report on the results thereof. When it has completed its examination, the Department shall take whatever action may be appropriate and may suspend the license or privilege to drive a motor vehicle in the Commonwealth of the person or permit him to retain his license or privilege to drive a motor vehicle in the Commonwealth, or may issue a license subject to the restrictions authorized by § 46.2-329. Refusal or neglect of the person to submit to the examination or comply with restrictions imposed by the Department shall be grounds for suspension of his license or privilege to drive a motor vehicle in the Commonwealth.

C. The Commissioner shall include, as a part of the application for an original driver's license, or renewal thereof, questions as to the existence of physical or mental conditions that impair the ability of the applicant to drive a motor vehicle safely. Any person knowingly giving a false answer to any such question shall be guilty of a Class 2 misdemeanor. If the answer to any such question indicates the existence of such condition, the Commissioner shall require an examination of the applicant by a licensed physician, *licensed physician assistant*, or licensed nurse practitioner as a prerequisite to the issuance of the driver's license. The report of the examination shall contain a statement that, in the opinion of the physician, *physician assistant*, or nurse practitioner, the applicant's physical or mental condition at the time of the examination does or does not preclude his safe driving of motor vehicles.