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HOUSE BILL NO. 2391

Offered January 14, 2011

A *BILL to amend and reenact § 46.2-398 of the Code of Virginia, relating to disposition of driver's licenses upon revocation or suspension.*

Patron—Albo

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-398 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-398. Disposition of surrendered licenses on revocation or suspension.

In any case in which the accused is convicted of an offense, on the conviction of which the law requires or permits revocation or suspension of the driver's license of the person so convicted, the court shall order the surrender of such license, which shall remain in the custody of the court during the period of revocation or suspension if the period does not exceed 30 days.

If the revocation or suspension period exceeds 30 days, and the conviction was obtained in a court not of record, the license shall remain in the custody of that court (i) until the time allowed by law for an appeal to the circuit court has elapsed, when it shall be forwarded to the Commissioner, or (ii) until an appeal to the circuit court is noted, at which time it shall be returned to the accused.

If the revocation or suspension period exceeds 30 days, and the conviction was obtained in the circuit court, the circuit court shall forward the license to the Commissioner forthwith upon the conviction.

The provisions of this section apply to driver's licenses issued by the Commonwealth of Virginia. The court shall not order the surrender of the driver's license of a person (i) who has a valid driver's license from another jurisdiction but does not have a Virginia driver's license and (ii) whose privilege to operate a motor vehicle is suspended or revoked by a court in the Commonwealth.

INTRODUCED

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