

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 1144]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-322 of the Code of Virginia is amended and reenacted as follows:**

8 § 46.2-322. Examination of licensee believed incompetent; suspension or restriction of license; license
9 application to include questions as to physical or mental conditions of applicant; false answers;
10 examination of applicant; physician's, nurse practitioner's, or physician assistant's statement.

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

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

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

ENROLLED

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