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HOUSE BILL NO. 1714

Offered January 9, 2013

Prefiled January 8, 2013

A *BILL to amend and reenact § 46.2-383 of the Code of Virginia, relating to records sent to the Department of Motor Vehicles; court clerks.*

Patron—Iaquinto

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-383 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-383. Courts to forward abstracts of records or furnish abstract data of conviction by electronic means in certain cases; records in office of Department; inspection; clerk's fee for reports.

A. In the event (i) a person is convicted of a charge described in subdivision 1 or 2 of § 46.2-382 or § 46.2-382.1 or (ii) a person fails or refuses to pay any fine, costs, forfeiture, restitution or penalty, or any installment thereof, imposed in any traffic case, or (iii) a person forfeits bail or collateral or other deposit to secure the defendant's appearance on the charges, unless the conviction has been set aside or the forfeiture vacated, or (iv) a court assigns a defendant to a driver education program or alcohol treatment or rehabilitation program, or both such programs, as authorized by § 18.2-271.1, or (v) compliance with the court's probation order is accepted by the court in lieu of a conviction under § 18.2-266 or the requirements specified in § 18.2-271 as provided in § 18.2-271.1, or (vi) there is rendered a judgment for damages against a person as described in § 46.2-382, every district court or clerk of a circuit court shall forward an abstract of the record to the Commissioner within ~~eighteen~~ 18 days; ~~or in the case of civil judgments, on the request of the judgment creditor or his attorney, thirty days after the such conviction, failure or refusal to pay, forfeiture, assignment, or acceptance, or and in the case of civil judgments, on the request of the judgment creditor or his attorney within 30 days after the judgment has become final without appeal or has become final by affirmance on appeal.~~ No record in a district court shall be filed unless the time for filing an appeal has expired and no appeal has been perfected. In the event that the records in the office of any district court or circuit court clerk show that any conviction or adjudication set forth in clauses (i) through (iv) has been vacated or nullified in any manner, the clerk shall make a report of such to the Commissioner.

B. Abstract data of conviction may be furnished to the Commissioner by electronic means provided that the content of the abstract and the certification complies with the requirements of § 46.2-386. In cases where the abstract data is furnished by electronic means, the paper abstract shall not be required to be forwarded to the Commissioner. The Commissioner shall develop a method to ensure that all data is received accurately. The Commissioner, with the approval of the Governor, may destroy the record of any conviction, forfeiture, assignment, acceptance, or judgment, when three years has elapsed from the date thereof, except records of conviction or forfeiture on charges of reckless driving and speeding, which records may be destroyed when five years has elapsed from the date thereof, and further excepting those records that alone, or in connection with other records, will require suspension or revocation or disqualification of a license or registration under any applicable provisions of this title.

C. The records required to be kept may, in the discretion of the Commissioner, be kept by electronic media or by photographic processes and when so done the abstract of the record may be destroyed.

INTRODUCED

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