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HOUSE JOINT RESOLUTION NO. 137

Offered January 13, 2016

Prefiled January 13, 2016

Expressing the opposition of the General Assembly to the enactment or enforcement of a law requiring a six-month revocation or suspension of a person's driver's license upon conviction of a marijuana offense.

Patrons—Rasoul and Kory

Referred to Committee on Rules

WHEREAS, in 1990, the Congress of the United States enacted 23 U.S.C. § 159, which makes the apportionment of certain federal highway funding to a state contingent upon that state's enacting a law requiring that the driver's licenses of persons convicted of drug offenses be revoked or suspended for a period of at least six months, regardless of whether the offense was related to the operation of a motor vehicle; and

WHEREAS, currently, a state that has not enacted such a law would be subject to withholding by the U.S. Secretary of Transportation of 10 percent of apportionments for Interstate Maintenance, the National Highway System, and the Surface Transportation Program; and

WHEREAS, in response to the enactment of 23 U.S.C. § 159, the General Assembly enacted §§ 18.2-259.1 and 46.2-390.1 of the Code of Virginia, Chapters 58 and 833 of the Acts of Assembly of 1992, to effectuate the revocation or suspension requirement of 23 U.S.C. § 159; and

WHEREAS, the revocation or suspension of a person's driver's license may impose significant societal and economic hardships and constitutes excessive punishment when such revocation or suspension is unrelated to the underlying criminal offense; and

WHEREAS, 23 U.S.C. § 159 provides that if the Governor submits to the U.S. Secretary of Transportation a written certification of his opposition to the enactment or enforcement of state law that meets the requirements of 23 U.S.C. § 159 and a written certification that the General Assembly has adopted a resolution expressing its opposition to such a law, then no highway funds will be withheld; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly oppose the enactment or enforcement of a law requiring a six-month revocation or suspension of a person's driver's license upon conviction of an offense involving the possession of marijuana; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Governor so that the Governor may submit a copy of the resolution to the U.S. Secretary of Transportation.

INTRODUCED

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