

LD1206432

HOUSE BILL NO. 297

House Amendments in [] — February 15, 1994

A BILL to amend and reenact § 18.2-266 of the Code of Virginia, relating to driving while intoxicated, civil punitive damages.

Patron—Robinson

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-266 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-266. Driving motor vehicle, engine, etc., while intoxicated, etc.

A. It shall be unlawful for any person to drive or operate any motor vehicle, engine or train (i) while such person has a blood alcohol concentration of 0.10 percent or more by weight by volume as indicated by a chemical test administered as provided in this article, (ii) while such person is under the influence of alcohol, (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely, or (iv) while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely. For the purposes of this section, the term "motor vehicle" shall include mopeds, while operated on the public highways of this Commonwealth.

~~[B. Any defendant convicted of a violation of this section shall be civilly liable for punitive damages for any death or injury proximately resulting from such violation. Evidence of a violation under this section and the defendant's state of intoxication shall, in no event, be excluded from any such civil proceeding, even in a case where the defendant admits liability and requests that his case be heard by the jury only on the issue of damages.~~

B. Evidence of intoxication of a defendant convicted pursuant to this section shall be admissible in any civil action for bodily injury or wrongful death proximately resulting from such violation. Such evidence shall be deemed relevant to the issues of compensatory and punitive damages, notwithstanding such defendant's admission of liability or plea to exclude such evidence.]

ENGROSSED

HB297E