

2009 Virginia General Assembly Report: Selected Traffic Safety-Related Bills

All bills passed by the General Assembly become law on July 1, 2009 pending any Governor's amendments or vetos at the reconvened session on April 16, 2009. For more information on any of the bills listed here, go to <http://leg1.state.va.us/> and click on "Bills & Resolutions".

OCCUPANT PROTECTION

SB 1161: Makes non-use of motor vehicle safety belts a "primary offense." This bill incorporates SB 970. (This bill is identical to HB 2253 and HB 2339.)

FAILED

SB 1408: Safety belt enforcement.

Allows for primary enforcement of safety belt requirements when violations are observed by law-enforcement officers at traffic safety checkpoints. **FAILED**

SB 1502: Safety belt use. Extends

requirement for safety belt use to all occupants of a motor vehicle, not just those in the front seat.

FAILED

IMPAIRED DRIVING

HB 1693: Driving under influence; mandatory minimum punishment when concentration is elevated above certain amount. Adds an additional qualifier in DUI punishment provisions that allows

use of blood alcohol testing on whole blood to be admitted into evidence in a DUI prosecution, thus allowing mandatory punishments to be imposed when the blood alcohol concentration is elevated but the test may have been performed in another, e.g., hospital, setting.

PASSED

HB 1805: Ignition interlock; operation of motor vehicle without, penalty. Provides that operation of a motor vehicle without an ignition interlock when such operation is prohibited is a Class 1 misdemeanor and that the person's operator's license shall be revoked for one year. (This bill is identical to SB 889.) **SIGNED**

BY GOVERNOR

HB 1868: Underage DUI; penalties. Clarifies that punishment for underage drinking includes, but is not limited to, license forfeiture and either a mandatory minimum fine of \$500 or 50 hours of community service. **PASSED**

HB 2532: Reimbursement of expenses in DUI and related incidents. Specifies that a locality that has passed an enabling ordinance is entitled to restitution from a person convicted of certain

DUI offenses, when issuing any arrest warrant or summons, in addition to compensation for an appropriate law enforcement response. **PASSED**

SB 1463: DUI; ignition interlock. Requires installation of an ignition interlock as a condition of license restoration (after the three-year revocation) for a second conviction committed within ten years after a first offense, rather than five years. **PASSED**

HB 2041: DUI ignition interlock limitations. Provides that a person who is convicted of DUI is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is only imposed upon a second offense or when the offender's BAC is above 0.15 percent.

FAILED

HB 2245: Transfer of custody in a DUI arrest, etc. Allows a law-enforcement officer to arrest, without a warrant, any person whom the officer has probable cause to suspect of driving while intoxicated or committing certain DUI-related offenses in the officer's presence and to thereafter transfer custody of the person suspected of any such violation to another officer, who may obtain a warrant based upon statements made to him by the arresting officer. Currently this transfer authority exists only for arrests made for drunk boating. The bill also provides that a law-enforcement officer may arrest, without a warrant, any person who commits any misdemeanor or traffic infraction, or substantially similar local ordinance, not committed in his presence, if he receives a message, from another officer who personally observed the violation, provided that the observing officer sends the message after he observes the alleged offense and positively identifies the alleged offender to the arresting officer. This bill incorporates HB 1954. **FAILED**

SB 1424: DUI; prior offenses. Provides a definition of "substantially similar" for the purpose of determining when an out-of-state DUI conviction can be used to enhance punishment for a current Virginia DUI offense. Out-of-state laws that criminalize driving with a prohibited blood alcohol content of .08 percent or more by weight by volume or .08 grams or more per 210 liters of breath are deemed to be substantially similar offenses. In addition, a driving under the influence conviction in a state contiguous to the Commonwealth or in the District of Columbia is deemed to be substantially similar. **FAILED**

DISTRACTED DRIVING

HB 1876: Text messaging and emailing while driving. Prohibits operation of a motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to manually enter multiple letters or text or to read a text message. This bill provides exemptions for using global positioning systems (GPS), reading caller identification information, and using a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles. This bill incorporates HB 1615 and HB 2380. **PASSED**

HB 904: Use of mobile telephone and other wireless electronic devices while driving. Provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory.

FAILED

HB 1659: Use of wireless telecommunications devices while driving. Prohibits use of wireless telecommunications devices, whether handheld or otherwise, while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth, except in an emergency. **FAILED**

SB 1227: Provisional driver's license holders. Makes cell phone use while driving by a provisional driver's license holder a "primary offense." **FAILED**

ACCIDENT REPORTING

SB 39: Traffic accident reports; increases amount of damage threshold to be reported by law enforcement. Increases from \$1,000 to \$1,500 the damage threshold at which traffic accidents become "reportable." **SIGNED BY GOVERNOR**

OPERATOR'S LICENSES

HB 1653: Driver's license; provisional; issuance to person less than 19 yrs. old. Provisional driver's licenses. Provides for issuance of restricted driver's licenses, allowing the licensee to drive to and from institutions of higher education, to persons whose driver's licenses have been suspended for violations committed when operating a motor vehicle under a provisional driver's license. Presently, these restricted licenses may only be issued for the purpose of driving to and from work. **SIGNED BY GOVERNOR**

HB 1826: Driver's licenses of minors. Provides for the suspension of the driver's license of any minor who has 10 or more unexcused absences from public school on consecutive school days. (Every application for a driver's license submitted by a person less than 18 years old and attending a public school in Virginia shall be accompanied by a document, signed by the applicant's parent or legal guardian, authorizing the principal, or his designee, of the school attended by the applicant to notify the juvenile and domestic relations district court within whose jurisdiction the minor resides when the applicant has had 10 or more unexcused absences from school on consecutive school days.) **PASSED**

HB 2571: Restricted license eligibility while license is suspended. Allows a court to issue a restricted license to a person whose license is suspended under certain circumstances. This bill is identical to SB 1343. **PASSED**

HB 311: Mopeds; driving on suspended license. Prohibits operation of mopeds on a suspended or revoked license, except to and from place of employment. **FAILED**

HB 438: Learner's permits. Prohibits issuance of learner's permits to minors when the records of the school they attend show they have had more than five (5) unexcused absences from school in the six months immediately preceding their application. **FAILED**

HB 1695: Driving without a license; person may be placed under arrest if previously convicted of offense. Driving without an operator's license. Provides that any person who drives without an operator's license may be placed under arrest, fingerprinted and the arrest reported to the Central Criminal Records Exchange if the general district court for the jurisdiction has approved arrest for the offense of driving without an operator's license. **FAILED**

HB 2561: Suspension of license; failure or refusal to pay fines or costs. Allows for the suspension of a defendant's driver's license for failure or refusal to pay fines and costs 15 days after sentencing.

Currently, the court is authorized to suspend the license for such failure or refusal 15 days after conviction; however, it is during the sentencing phase that the court assesses whether fines and costs have been paid. **FAILED**

SB 224: Driver's license and registration; failure to carry. Imposes a fine of between \$50 and \$250 for failing to carry a driver's license and vehicle registration card. The current fine is \$10. The existing provision that the summons will be dismissed if the person produces a license that was issued to him before the summons was issued or a registration card remains unchanged. **FAILED**

SB 723: Provisional driver's license; primary offense. Removes secondary offense designation and makes violations of passenger limits, curfew, and wireless communications use primary offenses. **FAILED**

SB 1084: Learner's permit fees; requirements for issuance of driver's licenses to minors. Requires that minor applicants for a driver's license show they have successfully completed, with a parent or guardian, an in-person 90-minute or longer driver safety course prescribed by DMV. The bill also increases the learner's permit issuance fee from \$3 to \$8; the additional \$5 is to be retained by DMV to cover its costs associated with this new requirement. **FAILED**

LICENSE PLATES

HB 1281: Driving with special license plates after conviction of DUI. Requires persons convicted of drunk driving a third or subsequent time who have registered motor vehicles in Virginia to use yellow license plates with red letters and numbers for a five-year period. **FAILED**

SB 937: Vehicle license plates. Provides for display of one license plate on vehicles. This bill is identical to HB 1731. **FAILED**

OTHER

HB 2416: Photo-monitoring systems. Removes the requirement that the list of proposed intersections for a traffic light signal violation monitoring system that a locality submits to the Virginia Department of Transportation be submitted for the Department's final approval. **FAILED**

HB 2605: Driver training schools; regulation by DMV. Transfers to the Department of Motor Vehicles (DMV) responsibility for driver training programs established for the public school system by the Department of Education. **FAILED**

SB 115: Traffic lights; penalty. Creates a Class 1 misdemeanor for running a red light, if running the red light is the sole and proximate cause of the death of another. **FAILED**

SB 526: Vehicle safety inspections. Requires vehicle safety inspections every 24 months instead of every 12 months and increases the maximum allowable fee for most vehicles from \$16 to \$20. **FAILED**

SB 1402: Improper driving; penalty. Increases the maximum penalty from \$500 to \$1,000. **FAILED**