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HOUSE BILL NO. 1643

Offered January 13, 2025

Prefiled January 3, 2025

A BILL to amend and reenact §§ 16.1-69.48:1, 46.2-300, and 46.2-301 of the Code of Virginia, relating to dismissal of certain traffic violations for proof of compliance with law.

Patrons—Hayes, Clark, Cousins, Henson, Hope, Keys-Gamarra and Martinez

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:1, 46.2-300, and 46.2-301 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Assessment of the fees provided for in this section shall be based on (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to § 4.1-305, 4.1-1120, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251, 19.2-298.02, 19.2-303.2, or 19.2-303.6; or (vi) proof of compliance with law under §§ 46.2-104, 46.2-300, 46.2-301, 46.2-324, 46.2-613, 46.2-646, 46.2-711, 46.2-715, 46.2-716, 46.2-752, 46.2-1000, 46.2-1003, 46.2-1052, 46.2-1053, and 46.2-1158.02.

In addition to any other fee prescribed by this section, a fee of \$35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of \$61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.573770);
2. Virginia Crime Victim-Witness Fund (.049180);
3. Regional Criminal Justice Training Academies Fund (.016393);
4. Courthouse Construction/Maintenance Fund (.032787);
5. Criminal Injuries Compensation Fund (.098361);
6. Intensified Drug Enforcement Jurisdiction Fund (.065574);
7. Sentencing/supervision fee (General Fund) (.131148); and
8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

C. In criminal actions and proceedings in district court for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$136. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.257353);
2. Virginia Crime Victim-Witness Fund (.022059);
3. Regional Criminal Justice Training Academies Fund (.007353);
4. Courthouse Construction/Maintenance Fund (.014706);
5. Criminal Injuries Compensation Fund (.044118);
6. Intensified Drug Enforcement Jurisdiction Fund (.029412);
7. Drug Offender Assessment and Treatment Fund (.551471);
8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and

59 9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

60 D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of \$51. The
61 amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the
62 following funds in the fractional amounts designated:

63 1. Processing fee (General Fund) (.764706);

64 2. Virginia Crime Victim-Witness Fund (.058824);

65 3. Regional Criminal Justice Training Academies Fund (.019608);

66 4. Courthouse Construction/Maintenance Fund (.039216);

67 5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and

68 6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

69 **§ 46.2-300. Driving without license prohibited; penalties.**

70 No person, except those expressly exempted in §§ 46.2-303 through 46.2-308, shall drive any motor
71 vehicle on any highway in the Commonwealth until such person has applied for a driver's license, as provided
72 in this article, satisfactorily passed the examination required by § 46.2-325, and obtained a driver's license,
73 nor unless the license is valid.

74 A violation of this section is a Class 2 misdemeanor. A second or subsequent violation of this section is a
75 Class 1 misdemeanor.

76 Upon conviction under this section, the court may suspend the person's privilege to drive for a period not
77 to exceed 90 days.

78 *The court may, in its discretion, dismiss the summons or warrant, where proof of compliance with this*
79 *section is provided to the court on or before the court date.*

80 **§ 46.2-301. Driving while license, permit, or privilege to drive suspended or revoked.**

81 A. In addition to any other penalty provided by this section, any motor vehicle administratively
82 impounded or immobilized under the provisions of § 46.2-301.1 may, in the discretion of the court, be
83 impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for
84 driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been (i) suspended
85 or revoked for a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-272, or 46.2-341.24 or a substantially
86 similar ordinance or law in any other jurisdiction or (ii) administratively suspended under the provisions of §
87 46.2-391.2. However, if, at the time of the violation, the offender was driving a motor vehicle owned by
88 another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment
89 or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of
90 impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to
91 the release of his motor vehicle.

92 B. Except as provided in § 46.2-304, no resident or nonresident (i) whose driver's license, learner's permit,
93 or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive
94 by any court or by the Commissioner, or (iii) who has been forbidden, as prescribed by operation of any
95 statute of the Commonwealth or a substantially similar ordinance of any county, city or town, to operate a
96 motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery
97 or equipment on any highway in the Commonwealth until the period of such suspension or revocation has
98 terminated or the privilege has been reinstated or a restricted license is issued pursuant to subsection E. For
99 the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall
100 not include mopeds.

101 C. A violation of subsection B is a Class 1 misdemeanor.

102 D. Upon a violation of subsection B, the court shall suspend the person's license or privilege to drive a
103 motor vehicle for the same period for which it had been previously suspended or revoked. In the event the
104 person violated subsection B by driving during a period of suspension or revocation which was not for a
105 definite period of time, the court shall suspend the person's license, permit or privilege to drive for an
106 additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or
107 revocation or to commence immediately if the previous suspension or revocation has expired. However, no
108 such suspension shall extend beyond 10 years from the conviction date for such violation of subsection B,
109 unless required by Article 6.1 (§ 46.2-341.1 et seq.).

110 E. Any person who is otherwise eligible for a restricted license may petition each court that suspended his
111 license pursuant to subsection D for authorization for a restricted license, provided that the period of time for
112 which the license was suspended by the court pursuant to subsection D, if measured from the date of
113 conviction, has expired, even though the suspension itself has not expired. A court may, for good cause
114 shown, authorize the Department of Motor Vehicles to issue a restricted license for any of the purposes set
115 forth in subsection E of § 18.2-271.1. No restricted license shall be issued unless each court that issued a
116 suspension of the person's license pursuant to subsection D authorizes the Department to issue a restricted
117 license. Any restricted license issued pursuant to this subsection shall be in effect until the expiration of any
118 and all suspensions issued pursuant to subsection D, except that it shall automatically terminate upon the
119 expiration, cancellation, suspension, or revocation of the person's license or privilege to drive for any other

120 cause. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial
121 motor vehicle as defined in the Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall
122 forward to the Commissioner a copy of its authorization entered pursuant to this subsection, which shall
123 specifically enumerate the restrictions imposed and contain such information regarding the person to whom
124 such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy
125 of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner
126 of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all
127 times while operating a motor vehicle.

128 F. Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of
129 the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of
130 this section but is guilty of a violation of § 18.2-272.

131 *G. The court may, in its discretion and where there have been no prior violations or convictions of this*
132 *section, dismiss the summons or warrant, where proof of compliance with this section is provided to the court*
133 *on or before the court date.*

INTRODUCED

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