

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 18.2-270.1 and 18.2-271.1 of the Code of Virginia, relating to ignition*
 3 *interlock system; duration.*

4 [S 1392]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 18.2-270.1 and 18.2-271.1 of the Code of Virginia are amended and reenacted as follows:**8 **§ 18.2-270.1. Ignition interlock systems; penalty.**

9 A. For purposes of this section and § 18.2-270.2:

10 "Commission" means the Commission on VASAP.

11 "Department" means the Department of Motor Vehicles.

12 "Ignition interlock system" means a device that (i) connects a motor vehicle ignition system to an analyzer
 13 that measures a driver's blood alcohol content; (ii) prevents a motor vehicle ignition from starting if a driver's
 14 blood alcohol content exceeds 0.02 percent; and (iii) is equipped with the ability to perform a rolling retest
 15 and to electronically log the blood alcohol content during ignition, attempted ignition, and rolling retest.

16 "Remote alcohol monitoring device" means an unsupervised mobile testing device with the ability to
 17 confirm the location and presence of alcohol in a person and that is capable of scheduled, random, and on-
 18 demand tests that provide immediate, or as-requested, results. A testing device may be worn or used by
 19 persons ordered by the court to provide measurements of the presence of alcohol in their blood.

20 "Rolling retest" means a test of the vehicle operator's blood alcohol content required at random intervals
 21 during operation of the vehicle, which triggers the sounding of the horn and flashing of lights if (i) the test
 22 indicates that the operator has a blood alcohol content which exceeds 0.02 percent or (ii) the operator fails to
 23 take the test.

24 B. In addition to any penalty provided by law for a conviction under § 18.2-51.4 or clauses (i), (ii), or (iv)
 25 of § 18.2-266 or a substantially similar ordinance of any county, city, or town, any court of proper
 26 jurisdiction shall, as a condition of a restricted license, prohibit an offender from operating a motor vehicle
 27 that is not equipped with a functioning, certified ignition interlock system for any period of time not to
 28 exceed the period of license suspension and restriction, not less than ~~six~~ 12 consecutive months without
 29 alcohol-related violations of the interlock requirements. In addition to any penalty provided by law for a
 30 conviction under clauses (iii) or (v) of § 18.2-266 or a substantially similar ordinance of any county, city, or
 31 town, any court of proper jurisdiction may, for a first offense, as a condition of a restricted license, prohibit
 32 an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock
 33 system for any period of time not to exceed the period of license suspension and restriction, not less than ~~six~~
 34 12 consecutive months without alcohol-related violations of the interlock requirements. The court shall, as a
 35 condition of a restricted license for a conviction under § 18.2-51.4, a second or subsequent offense of §
 36 18.2-266 or a substantially similar ordinance of any county, city, or town, or as a condition of license
 37 restoration pursuant to subsection C of § 18.2-271.1 or § 46.2-391, require that such a system be installed on
 38 each motor vehicle, as defined in § 46.2-100, owned by or registered to the offender, in whole or in part, for
 39 any period of time not less than ~~six~~ 12 consecutive months without alcohol-related violations of the interlock
 40 requirements. Such condition shall be in addition to any purposes for which a restricted license may be issued
 41 pursuant to § 18.2-271.1. Whenever an ignition interlock system is required, the court may order the
 42 installation of an ignition interlock system to commence immediately upon conviction. A fee of \$20 to cover
 43 court and administrative costs related to the ignition interlock system shall be paid by any such offender to
 44 the clerk of the court. The court shall require the offender to install an electronic log device with the ignition
 45 interlock system on a vehicle designated by the court to measure the blood alcohol content at each attempted
 46 ignition and random rolling retest during operation of the vehicle. The offender shall be enrolled in and
 47 supervised by an alcohol safety action program pursuant to § 18.2-271.1 and to conditions established by
 48 regulation under § 18.2-270.2 by the Commission during the period for which the court has ordered
 49 installation of the ignition interlock system. The offender shall be further required to provide to such
 50 program, at least quarterly during the period of court ordered ignition interlock installation, a printout from
 51 such electronic log indicating the offender's blood alcohol content during such ignitions, attempted ignitions,
 52 and rolling retests, and showing attempts to circumvent or tamper with the equipment. The period of time
 53 during which the offender (i) is prohibited from operating a motor vehicle that is not equipped with an
 54 ignition interlock system or (ii) is required to have an ignition interlock system installed on each motor
 55 vehicle owned by or registered to the offender, in whole or in part, shall be calculated from the date the
 56 offender is issued a restricted license by the court; however, such period of time shall be tolled upon the

57 expiration of the restricted license issued by the court until such time as the person is issued a restricted
58 license by the Department.

59 C. However, ~~upon motion of an offender~~, if (i) a conviction was under § 18.2-266 or a substantially
60 similar ordinance of any county, city, or town; (ii) the conviction was for a first offense; *and* (iii) the offender
61 was an adult at the time of the offense; ~~and (iv) the offender's blood alcohol content was less than 0.15~~, the
62 only restriction of a restricted license that the court shall impose is to prohibit the offender from operating a
63 motor vehicle that is not equipped with a functioning, certified ignition interlock system for not less than 12
64 consecutive months without alcohol-related violations of the interlock requirements. *Upon motion of an*
65 *offender, a court may require a minimum of six consecutive months without alcohol-related violations of the*
66 *interlock requirements if additional restrictions are ordered for the duration of the restricted license.*

67 D. In any case in which the court requires the installation of an ignition interlock system, the court shall
68 order the offender not to operate any motor vehicle that is not equipped with such a system for the period of
69 time that the interlock restriction is in effect. The clerk of the court shall file with the Department of Motor
70 Vehicles a copy of the order, which shall become a part of the offender's operator's license record maintained
71 by the Department. The Department shall issue to the offender for the period during which the interlock
72 restriction is imposed a restricted license which shall appropriately set forth the restrictions required by the
73 court under this subsection and any other restrictions imposed upon the offender's driving privilege, and shall
74 also set forth any exception granted by the court under subsection I.

75 E. The court may, upon motion of an offender who is ineligible to receive a restricted license in
76 accordance with subsection C, order that the offender (i) use a remote alcohol monitoring device for a period
77 of time coextensive with the period of time of the prohibition imposed under subsection B and (ii) refrain
78 from alcohol consumption during such period of time. Additionally, upon such motion and pursuant to §
79 18.2-271.1, the court may issue a restricted license to operate a motor vehicle for any purpose to a person
80 who is prohibited from operating a motor vehicle that is not equipped with a functioning, certified ignition
81 interlock system when such person is ordered to use a remote alcohol monitoring device pursuant to this
82 subsection and has a functioning, certified ignition interlock system installed on each motor vehicle, as
83 defined in § 46.2-100, owned by or registered to the offender, in whole or in part.

84 A fee of \$20 to cover court and administrative costs related to the remote alcohol monitoring device shall
85 be paid by any such offender to the clerk of the court. The offender shall be enrolled in and supervised by an
86 alcohol safety action program pursuant to § 18.2-271.1 and shall comply with all conditions established by
87 regulation under § 18.2-270.2 by the Commission during the period for which the court has ordered the use of
88 a remote alcohol monitoring device. The offender shall be further required to provide to such program, at
89 least quarterly during the period of time the offender is ordered to use a remote alcohol monitoring device, a
90 copy of the data from such device indicating the offender's blood alcohol content and showing attempts to
91 circumvent or tamper with the device. The period of time during which the offender is required to use a
92 remote alcohol monitoring device shall be calculated from the date the offender is issued a restricted license
93 by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued
94 by the court until such time as the person is issued a restricted license by the Department.

95 F. The offender shall be ordered to provide the appropriate ASAP program, within 30 days of the effective
96 date of the order of court, proof of the installation of the ignition interlock system, and, if applicable, proof
97 that the offender is using a remote alcohol monitoring device. The Program shall require the offender to have
98 the system and device monitored and calibrated for proper operation at least every 30 days by an entity
99 approved by the Commission under the provisions of § 18.2-270.2 and to demonstrate proof thereof. The
100 offender shall pay the cost of leasing or buying and monitoring and maintaining the ignition interlock system
101 and the remote alcohol monitoring device. Absent good cause shown, the court may revoke the offender's
102 driving privilege for failing to (i) timely install such system or use such device or (ii) have the system or
103 device properly monitored and calibrated.

104 G. No person shall start or attempt to start a motor vehicle equipped with an ignition interlock system for
105 the purpose of providing an operable motor vehicle to a person who is prohibited under this section from
106 operating a motor vehicle that is not equipped with an ignition interlock system. No person shall tamper with,
107 or in any way attempt to circumvent the operation of, an ignition interlock system that has been installed in
108 the motor vehicle of a person under this section. Except as authorized in subsection I, no person shall
109 knowingly furnish a motor vehicle not equipped with a functioning ignition interlock system to any person
110 prohibited under subsection B from operating any motor vehicle that is not equipped with such system. A
111 violation of this subsection is punishable as a Class 1 misdemeanor. The venue for the prosecution of a
112 violation of this subsection shall be where the offense occurred or the jurisdiction in which the order entered
113 pursuant to subsection B was entered.

114 H. No person shall tamper with, or in any way attempt to circumvent the operation of, a remote alcohol
115 monitoring device that an offender is ordered to use under this section. A violation of this subsection is
116 punishable as a Class 1 misdemeanor.

117 Any person who violates this subsection shall have his restricted license issued pursuant to subsection E,
118 as it shall become effective on July 1, 2021, revoked. The court may, in its discretion and for good cause

119 shown, provide that such person be issued a restricted permit to operate a motor vehicle in accordance with
120 the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1.

121 I. Any person prohibited from operating a motor vehicle under subsection B may, solely in the course of
122 his employment, operate a motor vehicle that is owned or provided by his employer without installation of an
123 ignition interlock system, if the court expressly permits such operation as a condition of a restricted license at
124 the request of the employer; such person shall not be permitted to operate any other vehicle without a
125 functioning ignition interlock system and, in no event, shall such person be permitted to operate a school bus,
126 school vehicle, or a commercial motor vehicle as defined in § 46.2-341.4. This subsection shall not apply if
127 such employer is an entity wholly or partially owned or controlled by the person otherwise prohibited from
128 operating a vehicle without an ignition interlock system.

129 J. The Commission shall promulgate such regulations and forms as are necessary to implement the
130 procedures outlined in this section.

131 **§ 18.2-271.1. Probation, education, and rehabilitation of person charged or convicted; person**
132 **convicted under law of another state or federal law.**

133 A. Any person convicted of a first or second offense of § 18.2-266, or any ordinance of a county, city, or
134 town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, shall be required by
135 court order, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety
136 action program in the judicial district in which such charge is brought or in any other judicial district upon
137 such terms and conditions as the court may set forth. However, upon motion of a person convicted of any
138 such offense following an assessment of the person conducted by an alcohol safety action program, the court,
139 for good cause, may decline to order participation in such a program if the assessment by the alcohol safety
140 action program indicates that intervention is not appropriate for such person. In no event shall such persons
141 be permitted to enter any such program which is not certified as meeting minimum standards and criteria
142 established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to this
143 section and to § 18.2-271.2. However, any person charged with a violation of a first or second offense of §
144 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of
145 subsection A of § 46.2-341.24, may, at any time prior to trial, enter into an alcohol safety action program in
146 the judicial district in which such charge is brought or in any other judicial district. Any person who enters
147 into such program prior to trial may pre-qualify with the program to have an ignition interlock system
148 installed on any motor vehicle owned or operated by him. However, no ignition interlock company shall
149 install an ignition interlock system on any such vehicle until a court issues to the person a restricted license
150 with the ignition interlock restriction.

151 B. The court shall require the person entering such program under the provisions of this section to pay a
152 fee of no less than \$250 but no more than \$300. A reasonable portion of such fee, as may be determined by
153 the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to be deposited with
154 the State Treasurer for expenditure by the Commission on VASAP, and the balance shall be held in a separate
155 fund for local administration of driver alcohol rehabilitation programs. Upon a positive finding that the
156 defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as
157 may reasonably be required of defendants referred for intervention under any such program may be charged.

158 C. Upon conviction of a violation of § 18.2-266 or any ordinance of a county, city or town similar to the
159 provisions thereof, or subsection A of § 46.2-341.24, the court shall impose the sentence authorized by §
160 18.2-270 or 46.2-341.28 and the license revocation as authorized by § 18.2-271. In addition, if the conviction
161 was for a second offense committed within less than 10 years after a first such offense, the court shall order
162 that restoration of the person's license to drive be conditioned upon the installation of an ignition interlock
163 system on each motor vehicle, as defined in § 46.2-100, owned by or registered to the person, in whole or in
164 part, for a period of ~~six~~ 12 consecutive months without alcohol-related violations of the interlock
165 requirements beginning at the end of the ~~three year~~ three-year license revocation, unless such a system has
166 already been installed for ~~six~~ 12 consecutive months without alcohol-related violations of the interlock
167 requirements prior to that time pursuant to a restricted license order under subsection E. Upon a finding that a
168 person so convicted is required to participate in the program described herein, the court shall enter the
169 conviction on the warrant, and shall note that the person so convicted has been referred to such program. The
170 court may then proceed to issue an order in accordance with subsection E, if the court finds that the person so
171 convicted is eligible for a restricted license. If the court finds good cause for a person not to participate in
172 such program or subsequently that such person has violated, without good cause, any of the conditions set
173 forth by the court in entering the program, the court shall dispose of the case as if no program had been
174 entered, in which event the revocation provisions of § 46.2-389 and subsection A of § 46.2-391 shall be
175 applicable to the conviction. The court shall, upon final disposition of the case, send a copy of its order to the
176 Commissioner of the Department of Motor Vehicles. If such order provides for the issuance of a restricted
177 license, the Commissioner of the Department of Motor Vehicles, upon receipt thereof, shall issue a restricted
178 license. The period of time during which the person (i) is prohibited from operating a motor vehicle that is
179 not equipped with an ignition interlock system, (ii) is required to have an ignition interlock system installed
180 on each motor vehicle owned by or registered to the person, in whole or in part, or (iii) is required to use a

181 remote alcohol monitoring device shall be calculated from the date the person is issued a restricted license by
182 the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by
183 the court until such time as the person is issued a restricted license by the Department of Motor Vehicles.
184 Appeals from any such disposition shall be allowed as provided by law. The time within which an appeal
185 may be taken shall be calculated from the date of the final disposition of the case or any motion for rehearing,
186 whichever is later.

187 D. Any person who has been convicted under the law of another state or the United States of an offense
188 substantially similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24, and whose privilege to
189 operate a motor vehicle in this Commonwealth is subject to revocation under the provisions of § 46.2-389
190 and subsection A of § 46.2-391, may petition the general district court of the county or city in which he
191 resides that he be given probation and assigned to a program as provided in subsection A and that, upon entry
192 into such program, he be issued an order in accordance with subsection E. If the court finds that such person
193 would have qualified therefor if he had been convicted in this Commonwealth of a violation of § 18.2-266 or
194 subsection A of § 46.2-341.24, the court may grant the petition and may issue an order in accordance with
195 subsection E as to the period of license suspension or revocation imposed pursuant to § 46.2-389 or
196 subsection A of § 46.2-391. The court (i) shall, as a condition of a restricted license, prohibit such person
197 from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for
198 a period of time not to exceed the period of license suspension and restriction, not less than ~~six~~ 12
199 consecutive months without alcohol-related violations of interlock requirements, and (ii) may, upon request
200 of such person and as a condition of a restricted license, require such person to use a remote alcohol
201 monitoring device in accordance with the provisions of subsection E of § 18.2-270.1. Such order shall be
202 conditioned upon the successful completion of a program by the petitioner. If the court subsequently finds
203 that such person has violated any of the conditions set forth by the court, the court shall dispose of the case as
204 if no program had been entered and shall notify the Commissioner, who shall revoke the person's license in
205 accordance with the provisions of § 46.2-389 or subsection A of § 46.2-391. A copy of the order granting the
206 petition or subsequently revoking or suspending such person's license to operate a motor vehicle shall be
207 forthwith sent to the Commissioner of the Department of Motor Vehicles. The period of time during which
208 the person (a) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock
209 system or (b) is required to use a remote alcohol monitoring device shall be calculated from the date the
210 person is issued a restricted license by the court; however, such period of time shall be tolled upon the
211 expiration of the restricted license issued by the court until such time as the person is issued a restricted
212 license by the Department of Motor Vehicles.

213 No period of license suspension or revocation shall be imposed pursuant to this subsection which, when
214 considered together with any period of license suspension or revocation previously imposed for the same
215 offense under the law of another state or the United States, results in such person's license being suspended
216 for a period in excess of the maximum periods specified in this subsection.

217 E. Except as otherwise provided herein, if a person enters a certified program pursuant to this section, and
218 such person's license to operate a motor vehicle, engine, or train in the Commonwealth has been suspended or
219 revoked, or a person's license to operate a motor vehicle, engine, or train in the Commonwealth has been
220 suspended or revoked pursuant to former § 18.2-259.1 or 46.2-390.1, the court may, in its discretion and for
221 good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle for any of
222 the following purposes: (i) travel to and from his place of employment; (ii) travel to and from an alcohol
223 rehabilitation or safety action program; (iii) travel during the hours of such person's employment if the
224 operation of a motor vehicle is a necessary incident of such employment; (iv) travel to and from school if
225 such person is a student, upon proper written verification to the court that such person is enrolled in a
226 continuing program of education; (v) travel for health care services, including medically necessary
227 transportation of an elderly parent or, as designated by the court, any person residing in the person's
228 household with a serious medical problem upon written verification of need by a licensed health professional;
229 (vi) travel necessary to transport a minor child under the care of such person to and from school, day care,
230 and facilities housing medical service providers; (vii) travel to and from court-ordered visitation with a child
231 of such person; (viii) travel to a screening, evaluation, and education program entered pursuant to § 18.2-251
232 or subsection H of § 18.2-258.1; (ix) travel to and from court appearances in which he is a subpoenaed
233 witness or a party and appointments with his probation officer and to and from any programs required by the
234 court or as a condition of probation; (x) travel to and from a place of religious worship one day per week at a
235 specified time and place; (xi) travel to and from appointments approved by the Division of Child Support
236 Enforcement of the Department of Social Services as a requirement of participation in an administrative or
237 court-ordered intensive case monitoring program for child support for which the participant maintains written
238 proof of the appointment, including written proof of the date and time of the appointment, on his person; (xii)
239 travel to and from jail to serve a sentence when such person has been convicted and sentenced to confinement
240 in jail and pursuant to § 53.1-131.1 the time to be served is on weekends or nonconsecutive days; (xiii) travel
241 to and from the facility that installed or monitors the ignition interlock in the person's vehicle; (xiv) travel to
242 and from a job interview for which he maintains on his person written proof from the prospective employer

243 of the date, time, and location of the job interview; or (xv) travel to and from the offices of the Virginia
 244 Employment Commission for the purpose of seeking employment. However, (a) any such person who is
 245 eligible to receive a restricted license as provided in subsection C of § 18.2-270.1 or (b) any such person
 246 ordered to use a remote alcohol monitoring device pursuant to subsection E of § 18.2-270.1 who has a
 247 functioning, certified ignition interlock system as required by law may be issued a restricted permit to operate
 248 a motor vehicle for any lawful purpose. No restricted license issued pursuant to this subsection shall permit
 249 any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License
 250 Act (§ 46.2-341.1 et seq.). The court shall order the surrender of such person's license to operate a motor
 251 vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the
 252 Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this subsection,
 253 which shall specifically enumerate the restrictions imposed and contain such information regarding the
 254 person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall
 255 also provide a copy of its order to the person so convicted who may operate a motor vehicle on the order until
 256 receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, if the order
 257 provides for a restricted license for that time period. A copy of such order and, after receipt thereof, the
 258 restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a
 259 motor vehicle in violation of any restrictions imposed pursuant to this section is guilty of a violation of §
 260 18.2-272. Such restricted license shall be conditioned upon enrollment within 15 days in, and successful
 261 completion of, a program as described in subsection A. No restricted license shall be issued during the first
 262 four months of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391
 263 for a second offense of the type described therein committed within 10 years of a first such offense. No
 264 restricted license shall be issued during the first year of a revocation imposed pursuant to subsection B of §
 265 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within
 266 five years of a first such offense. No restricted license shall be issued during any revocation period imposed
 267 pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391. Notwithstanding the provisions of §
 268 46.2-411, the fee charged pursuant to § 46.2-411 for reinstatement of the driver's license of any person whose
 269 privilege or license has been suspended or revoked as a result of a violation of § 18.2-266, subsection A of §
 270 46.2-341.24 or of any ordinance of a county, city, or town, or of any federal law or the laws of any other state
 271 similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24 shall be \$105. Forty dollars of such
 272 reinstatement fee shall be retained by the Department of Motor Vehicles as provided in § 46.2-411, \$40 shall
 273 be transferred to the Commission on VASAP, and \$25 shall be transferred to the Commonwealth
 274 Neurotrauma Initiative Trust Fund. Any person who is otherwise eligible to receive a restricted license issued
 275 in accordance with this subsection or as otherwise provided by law shall not be required to pay in full his
 276 fines and costs, as defined in § 19.2-354.1, before being issued such restricted license.

277 F. The court shall have jurisdiction over any person entering such program under any provision of this
 278 section, or under any provision of § 46.2-392, until such time as the case has been disposed of by either
 279 successful completion of the program, or revocation due to ineligibility or violation of a condition or
 280 conditions imposed by the court, whichever shall first occur. Revocation proceedings shall be commenced by
 281 notice to show cause why the court should not revoke the privilege afforded by this section. Such notice shall
 282 be made by first-class mail to the last known address of such person, and shall direct such person to appear
 283 before the court in response thereto on a date contained in such notice, which shall not be less than 10 days
 284 from the date of mailing of the notice. Failure to appear in response to such notice shall of itself be grounds
 285 for revocation of such privilege. Notice of revocation under this subsection shall be sent forthwith to the
 286 Commissioner of the Department of Motor Vehicles.

287 G. For the purposes of this section, any court that has convicted a person of a violation of § 18.2-266,
 288 subsection A of § 46.2-341.24, any ordinance of a county, city, or town similar to the provisions of §
 289 18.2-266, or any reckless driving violation under Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 and
 290 such person was initially charged with a violation of § 18.2-266, subsection A of § 46.2-341.24, or any
 291 ordinance of a county, city, or town similar to the provisions of § 18.2-266 shall have continuing jurisdiction
 292 over such person during any period of license revocation related to that conviction, for the limited purposes
 293 of (i) referring such person to a certified alcohol safety action program, (ii) providing for a restricted permit
 294 for such person in accordance with the provisions of subsection E, and (iii) imposing terms, conditions and
 295 limitations for actions taken pursuant to clauses (i) and (ii), whether or not it took either such action at the
 296 time of the conviction. This continuing jurisdiction is subject to the limitations of subsection E that provide
 297 that no restricted license shall be issued during a revocation imposed pursuant to subsection C of § 18.2-271
 298 or subsection B of § 46.2-391 or during the first four months or first year, whichever is applicable, of the
 299 revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391. The provisions of
 300 this subsection shall apply to a person convicted of a violation of § 18.2-266, subsection A of § 46.2-341.24,
 301 any ordinance of a county, city, or town similar to the provisions of § 18.2-266, or any reckless driving
 302 violation under Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 and such person was initially charged
 303 with a violation of § 18.2-266, subsection A of § 46.2-341.24, or any ordinance of a county, city, or town
 304 similar to the provisions of § 18.2-266 on, after and at any time prior to July 1, 2003.

305 H. The State Treasurer, the Commission on VASAP or any city or county is authorized to accept any gifts
306 or bequests of money or property, and any grant, loan, service, payment or property from any source,
307 including the federal government, for the purpose of driver alcohol education. Any such gifts, bequests,
308 grants, loans or payments shall be deposited in the separate fund provided in subsection B.

309 I. The Commission on VASAP, or any county, city, or town, or any combination thereof, may establish
310 and, if established, shall operate, in accordance with the standards and criteria required by this subsection,
311 alcohol safety action programs in connection with highway safety. Each such program shall operate under the
312 direction of a local independent policy board. Such local independent policy board shall be chosen in
313 accordance with procedures approved and promulgated by the Commission on VASAP. Such procedures
314 shall provide that the board shall endeavor to select one criminal defense attorney who has specialized
315 knowledge in representing persons charged with driving while intoxicated offenses and one local attorney for
316 the Commonwealth to sit on such local independent policy board. Local sitting or retired district court judges
317 who regularly hear or heard cases involving driving under the influence and are familiar with their local
318 alcohol safety action programs may serve on such boards. The Commission on VASAP shall establish
319 minimum standards and criteria for the implementation and operation of such programs and shall establish
320 procedures to certify all such programs to ensure that they meet the minimum standards and criteria stipulated
321 by the Commission. The Commission shall also establish criteria for the administration of such programs for
322 public information activities, for accounting procedures, for the auditing requirements of such programs and
323 for the allocation of funds. Funds paid to the Commonwealth hereunder shall be utilized in the discretion of
324 the Commission on VASAP to offset the costs of state programs and local programs run in conjunction with
325 any county, city or town and costs incurred by the Commission. The Commission shall submit an annual
326 report as to actions taken at the close of each calendar year to the Governor and the General Assembly.

327 J. Notwithstanding any other provisions of this section or of § 18.2-271, nothing in this section shall
328 permit the court to suspend, reduce, limit, or otherwise modify any disqualification from operating a
329 commercial motor vehicle imposed under the provisions of the Virginia Commercial Driver's License Act (§
330 46.2-341.1 et seq.).