

VIRGINIA ACTS OF ASSEMBLY -- 2022 SESSION

CHAPTER 506

An Act to amend and reenact §§ 46.2-392 and 46.2-816.1 of the Code of Virginia, relating to careless driving; vulnerable road users.

[H 920]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-392 and 46.2-816.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-392. Suspension of license or issuance of a restricted license on conviction of certain offenses; probationary conditions required; generally.

In addition to the penalties for *careless driving and infliction of injury or death on vulnerable road users* prescribed in § 46.2-816.1, the penalties for reckless driving prescribed in § 46.2-868, and the penalties for aggressive driving prescribed in § 46.2-868.1, the court may suspend the driver's license issued to a person convicted of *careless driving and infliction of injury or death on vulnerable road users*, reckless driving, or aggressive driving for a period of not less than 10 days nor more than six months and the court shall require the convicted person to surrender his license so suspended to the court where it will be disposed of in accordance with § 46.2-398.

Additionally, any person convicted of a reckless driving offense which the court has reason to believe is alcohol-related or drug-related may be required as a condition of probation or otherwise to enter into and successfully complete an alcohol safety action program. If the court suspends a person's driver's license for reckless driving and requires the person to enter into and successfully complete an alcohol safety action program, the Commissioner shall not reinstate the driver's license of the person until receipt of certification that the person has enrolled in an alcohol safety action program.

If a person so convicted has not obtained the license required by this chapter, or is a nonresident, the court may direct in the judgment of conviction that he shall not, for a period of not less than 10 days or more than six months as may be prescribed in the judgment, drive any motor vehicle in the Commonwealth. The court or the clerk of court shall transmit the license to the Commissioner along with the report of the conviction required to be sent to the Department.

The court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle during the period of suspension for any of the purposes set forth in subsection E of § 18.2-271.1. The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person who may operate a motor vehicle on the order until receipt from the Commissioner of a restricted license. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided in subsection C of § 46.2-301. No restricted license issued pursuant to this section shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

§ 46.2-816.1. Careless driving and infliction of injury or death on vulnerable road users; penalty.

A. As used in this section, "vulnerable road user" means a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal.

B. It is a Class 1 misdemeanor to operate a motor vehicle in a careless or distracted manner such that the careless or distracted operation is the proximate cause of serious bodily injury as defined in § 18.2-51.4 to *or the death of* a vulnerable road user who is lawfully present on the highway at the time of injury *or death*.

C. A prosecution or proceeding under § 46.2-852 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-852 for the same act.