

Sec. 11-4. Adoption of state law.

Pursuant to the authority of section 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the state contained in title 46.2, except those provisions and requirements of the violation of which constitutes a felony and except those provisions and requirements which, by their very nature, can have no application to or within the county, are hereby adopted and incorporated herein by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the county. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made a part of this chapter as fully as though set forth at length herein and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provisions of title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia.

(Code 1974, § 10-2)

Sec. 11-62. Driving motor vehicle, engine, etc., while intoxicated, etc.; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-266 of the Code of Virginia, as amended, which relates to driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-62.1. Persons under age twenty-one driving after illegally consuming alcohol; penalty; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-266.1 of the Code of Virginia, as amended, which relates to persons under the age of twenty-one (21) driving after illegally consuming alcohol, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-63. Preliminary analysis of breath to determine alcoholic content of blood; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-267 of the Code of Virginia, as amended, which relates to the ability of a person who is suspected of a violation of section 18.2-266 or section 18.2-266.1, to have his breath analyzed to determine the probable alcoholic content of his blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-63.1. Chemical testing to determine alcohol or drug content of blood; definitions; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.1 of the Code of Virginia, as amended, which sets out the definitions to be used in conjunction with chemical testing of motor vehicle operators to determine the alcohol or drug content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-63.2. Implied consent to post-arrest chemical test to determine drug or alcohol content of blood; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.2 of the Code of Virginia, as amended, which relates to the implied consent of motor vehicle operators to submit to post-arrest chemical testing to determine the drug or alcohol content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-63.3. Refusal of tests; procedures, adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.3 of the Code of Virginia, as amended, which relates to the refusal of motor vehicle operators to submit to post-arrest chemical tests to determine the drug or alcohol content of their blood, is hereby adopted and incorporated in its entirety as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-63.4. Appeal and trial; sanctions for refusal; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.4 of the Code of Virginia, as amended, which relates to the procedure for appeal and trial of the warrant or summons issued for a refusal to submit to post-arrest chemical tests and the sanctions for such refusal, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-63.5. Qualifications and liability of persons authorized to take blood samples; procedure for taking samples; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.5 of the Code of Virginia, as amended, which relates to the qualifications and liability of persons authorized to take blood samples and the procedure for taking such samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-63.6. Transmission of blood samples; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.6 of the Code of Virginia, as amended, which relates to the identification, handling, and transportation of the blood sample, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-63.7. Transmission of blood test results; use as evidence; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.7 of the Code of Virginia, as amended, which relates to the handling and transmission of blood samples; provision of information to the accused relating to an independent test; and disposition of second container of blood and the qualifications of the laboratory conducting such test, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-63.8. Fees; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.8 of the Code of Virginia, as amended, which relates to fees for withdrawal of blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-63.9. Assurance of breath-test validity; use of test results as evidence; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.9 of the Code of Virginia, as amended, which relates to assuring breath-test validity and the use of test results as evidence, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Sec. 11-63.10. Evidence of violation of section 18.2-266 or section 18.2-266.1; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.10 of the Code of Virginia, as amended, which relates to the admission of relevant evidence upon any question at issue

before the court, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.
(Ord. of 2-18-03)

Sec. 11-63.11. Substantial compliance; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 and section 18.2-268.12 of the Code of Virginia (1950), as amended, section 18.2-268.11 of the Code of Virginia, as amended, which relates to the taking, handling, identifying, etc. of blood or breath samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.
(Ord. of 2-18-03)

Sec. 11-64. Presumptions from alcoholic content of blood; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-269 of the Code of Virginia, as amended, which relates to presumptions arising from the alcohol content of blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.
(Ord. of 2-18-03)

Sec. 11-65. Penalty for driving while intoxicated; subsequent offense; prior conviction; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270, paragraphs A, B, D, **E and F except that portion of paragraph F that refers to a felony**, of the Code of Virginia, as amended, which relate to the penalties for driving while intoxicated, are hereby adopted and incorporated in their entirety into this chapter as if such paragraphs were fully set forth herein.
(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-65.1 Multiple offenders; Payment to Trauma Center Fund.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270.01, of the Code of Virginia, as amended, which relates to multiple offenders and payments to the Trauma Center Fund, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Sec. 11-65.2 Ignition Interlock systems; penalty.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270.1, of the Code of Virginia, as amended, which relates to ignition interlock systems and the penalties for failure to comply, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein

Sec. 11-65.3 Forfeiture of driver's license for driving while intoxicated.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-271, of the Code of Virginia, as amended, which relates to forfeiture of driver's license for driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein

Sec. 11-65.4 Probation, education and rehabilitation of person charged and convicted; person convicted under the laws of another state.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-271.1, of the Code of Virginia, as amended, which relates to the probation, education and rehabilitation of a person charged and convicted and a person convicted under laws of another, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein

Sec. 11-66. Driving after forfeiture of driver's license; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-272 of the Code of Virginia, as amended, which relates to driving after forfeiture of a driver's license, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

Sec. 11-67. Report of conviction to department of motor vehicles; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-273 of the Code of Virginia, as amended, as effective on July 1, 1998, which relates to the reporting of convictions to the department of motor vehicles, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. of 2-18-03)

Cross references: Readoption of certain sections of this article, § 11-68.

~~Sec. 11-68. Readoption of certain sections of this article.~~

~~Chapter 11, article III (operation of vehicles generally), sections 11-62, 11-63.4, 11-63.5, 11-63.6, 11-63.7, 11-65, 11-66, and 11-67 are hereby readopted as written with all references to the Code of Virginia (1950) meaning the Code of Virginia, 1950 as in effect on July 1st, 2003.~~

~~(Ord. of 7-15-03(1))~~

~~Sec. 11-69. Readoption of Chapter 11 to conform to the Code of Virginia (1950), as amended in effect July 1, 2004.~~

~~All sections of Chapter 11 of the Franklin County Code which relate to driving under the influence of alcohol or drugs or a combination of alcohol and drugs and the punishment for same are hereby readopted as written with all references to the Code of Virginia (1950), as amended, meaning the Code of Virginia (1950) as in effect on July 1, 2004. Effective date — July 1, 2004. Section 11-68 will apply to offenses prior to July 1, 2004.~~

~~(Ord. of 7-20-04(2))~~

RED TEXT IS NEW VERBIAGE
GREEN TEXT IS TO BE REPEALED