



VIRGINIA
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DRIVER'S LICENSE RESTORATION

In Virginia, driving is considered a privilege - not a right. Therefore, there are certain steps and tasks you must complete before your license to drive is restored - even if you want only a restricted license.

A court will generally **suspend** a person's driving privileges for a set or indefinite time. Generally, the Department of Motor Vehicles (DMV) **revokes** a person's driving privileges once it receives information about a court order suspending privileges, the driver's commission of multiple criminal convictions, outstanding unpaid court costs, etc. Both actions essentially mean the person has lost driving privileges.

Before You Can Apply for a Driver's License Restoration

You must have the following information:

1. A copy of your "Compliance Summary" from the Department of Motor Vehicles (DMV) printed within the last month. (There may be a \$15 charge for this document & you may be required to show proof of identity.)
2. If you lost your license because you were declared a Habitual Offender, a copy of the Habitual Offender Order from the Court that entered it.
3. You must have paid all your fines and costs relating to driving infractions showing on your driving history at DMV, **OR**

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4. Have a valid payment plan - with the court in which the fines and/or costs were incurred - and have made consistent payments with receipts available to show payment.

License Suspension for Driving Under the Influence

Please be aware that if your driving history shows DUI (Driving Under the Influence) violations, you will be ordered by the Court to go to VASAP (Virginia Alcohol Safety Action Program) for an evaluation. The cost of the evaluation is **\$200.00** and **\$25.00** for a urine screening. The cost of evaluation may be waived or reduced, depending on the guidelines of the particular VASAP program. The filing and service fees to bring the action in court may be waived by asking the court. However, any court ordered fines and costs must still be paid by you, as well as expenses for participation in required VASAP counseling sessions or other programs. There will be a 30-45 day wait for your evaluation appointment after the Judge signs the Order requiring the evaluation. VASAP then will take 30 to 60 days to send the evaluation report to the Judge.

VASAP will **NOT** recommend restoration of a driver's license - even a restricted one - unless you can show you have had no pattern of abuse of alcohol or illicit drugs. In addition, even to get a restricted license, you must not be convicted of any traffic violations during the past three (3) years. Getting a fully restored license has stricter requirements. Restoration of a driver's license depends also upon the number and severity of the convictions listed on your driving history.

You will be asked to provide proof of your abstinence and provide the names, addresses, and phone numbers for 5-6 references who know your character and know you haven't been drinking. The judges generally follow the recommendation of VASAP. Thus, if VASAP refuses to recommend restoration of your driver's license, the judge will likewise refuse to order your license restored. Therefore, if you have had a drink in the past year, it may well be useless to go to VASAP (and spend \$150) in the hopes that you can get at least a restricted license.

License Suspension for Unpaid Child Support

The Division of Child Support Enforcement (DCSE) has the right under Virginia law to ask DMV to suspend a driver's license of anyone who is delinquent in their child support payments for 90 days or more, or who owes more than \$5,000, or anyone who has failed to comply with a subpoena, summons or warrant relating to paternity or child support proceedings. If you lost your license due to one of these reasons, you can have your driver's license fully restored by:

1. Paying the child support owed in full, or
2. Entering into a repayment agreement with DCSE and making at least 1 payment of 5% of the back support owed or \$500, whichever is greater.

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3. Complying with the subpoena, summons, or warrant relating to paternity or child support.

If you cannot afford to pay the past child support owed, you may instead file a petition in the juvenile and domestic relations court where you reside to get a **restricted license** to do the following:

- Travel to and from place of employment
- Travel to and from an alcohol rehabilitation or safety action program
- Travel during hours of employment, if necessary for employment
- Travel to and from school by a student (upon verification of enrollment)
- Travel for health care services, including transportation of an elderly parent with a serious medical problem
- Travel to transport a minor child to and from school, day care, and medical facilities
- Travel to and from court-ordered visitation with a child
- Travel for VASAP screening, evaluation, and educational programs
- Travel to and from your court appearances or appointments with a probation officer, etc.

Requesting a Driver's License Restoration from the Court

To request a restoration of driver's license, upon meeting all requirements of fines, restitution or community service, you must file a Petition for Restoration of Driving Privilege in the Circuit Court where you reside and pay the filing fees. There are separate forms for suspension due to violations and those who were convicted as Habitual Offenders. You may also request a form from the clerk to have the fees waived upon the judge's approval. This is called filing In Forma Pauperis. The court may place whatever conditions it chooses upon approving the license restoration.

If you are a Habitual Offender:

- Only a court can restore your driving privileges.
- If **DMV** declared you a habitual offender, you must successfully petition the circuit court in the city or county where you live. Out-of-state residents must petition the Richmond City Circuit Court.
- If a **court** declared you a habitual offender, you may file your petition in the court where you were declared a habitual offender OR in the Circuit Court in the city or county where you live.

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- You should ask the court to send a copy of your petition to the DMV and the Commonwealth's Attorney. The DMV will advise the Commonwealth's Attorney about your eligibility to have your driving privilege restored on either a restricted or full basis.
- The court will wait at least 30 days after receiving your petition before setting a hearing date. The court may order that you receive an evaluation from VASAP and that the results be reported to the court before your hearing date.
- If the court grants your petition and you comply with any other outstanding DMV suspensions, you must take and pass the complete driver's license test to receive your license.

Requesting a Restricted Driver's License

If you are unable to meet all of the court's requirements, or pay all of your fines, you may choose to request a restricted license instead. A restricted license does NOT allow operation of a commercial vehicle, but it does allow you to operate a vehicle to travel to and from work, the doctor, and other places as permitted by the court.

- To request a restricted driver's license, you must petition each court that suspended your license. No restricted license may be issued unless each court authorizes the DMV to do so.
- You must keep a copy of the court order granting your restricted license with you at all times when you are driving.
- A restricted license can only be issued for a six month period or less.
- You will have to pay filing and reinstatement fees once again for a full driver's license restoration.

After Your Driver's License is Restored by the Court

The DMV has additional requirements before it will issue the new license. You may have to:

1. Pay a reinstatement fee to the DMV, ranging from \$45 to \$160, based on the type of suspension.
2. Pay a service fee, if your traffic convictions are older ones. The amount of the service fee may vary.

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3. Be current on state or local taxes.
4. Be no more than three months, or more than \$5,000, in arrears in child support.
5. Have satisfied any civil judgments resulting from an accident when you drove without insurance.
6. Get an “SR22” Form from an insurance company. This is Assigned Risk auto insurance and may cost more than a regular auto insurance policy. You will be required to maintain this for 3 years or as long as you have a restricted license.
7. Prove to the DMV that you are lawfully present within the U.S. This is usually done with a birth certificate, a passport, or an immigration-related document if you are not a U.S. citizen; www.DMVnow.com has more information.

THIS INFORMATION IS NOT LEGAL ADVICE. Legal advice is dependent upon the specific circumstances of each situation. Therefore, the information contained in this pamphlet cannot replace the advice of competent legal counsel.

Free Legal information by Web and Phone: www.vlas.org and
1-866-LegalAid (534-5243)

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