

A Guide to Reinstating Your Virginia Driving Privilege

The purpose of this guide is to provide general information on reinstating your Virginia driving privilege. This guide is for informational purposes and is not intended as legal advice in any situation.

Actions to suspend or revoke your Virginia driving privileges may have been imposed by a court, the Department of Social Services or by DMV, depending on the nature of your conviction(s) or the situation.

If you are applying for a Virginia driver's license and your driving privilege is currently suspended or revoked in another state, you must first comply with that state's reinstatement requirements before applying for a Virginia driver's license. Please note: This guide does not address compliance requirements related to a commercial driver's license.

Determining Eligibility for a Driver's License

To obtain information on the status of your driving privilege and eligibility to obtain a driver's license, you may request a driver transcript and/or a DMV compliance summary online at www.dmvNOW.com or by phone at 804-497-7100, or in person at any DMV customer service center.

Driver Transcript

- A driver transcript is a record of a person's driving history over a certain period of time, and provides information on traffic crashes, convictions, suspensions/revocations and other motor vehicle related events. There are fees for obtaining driver transcripts.

If your driver transcript indicates that your driver's license status is "suspended" or "revoked", you will not be eligible to obtain a license until you satisfy all outstanding requirements imposed by the court, DMV and/or the Department of Social Services.

To provide the court and other entities with detailed information on your driving history, driver's license status and any outstanding reinstatement requirement, you should obtain a compliance summary and a driver transcript.

Compliance Summary

- A compliance summary is a detailed list of outstanding requirements that you must satisfy in order to have your driving privilege reinstated. The information provided is valid as of the date listed at the top of the compliance summary. There is no charge for this document.

Important Definitions

A *suspension* is a:

temporary withdrawal of a person's privilege to operate a motor vehicle, either for a specific period of time and/or until compliance with certain requirements. Once a person complies with the terms of the suspension, including all reinstatement requirements, DMV will be able to reinstate his or her driving privilege and issue a driver's license without complete driver license retesting, unless the license is expired.

A *revocation* is:

complete termination of a person's privilege to operate a motor vehicle must comply with certain requirements and/or petition the appropriate court(s) for restoration of driving privilege. Once a person complies with the terms of the revocation and the specific reinstatement requirements, DMV will require successful completion of a vision screening, knowledge test and road skills test before issuing a license.

Length of Suspension/Revocation Periods/Consecutive Versus Concurrent

The length of suspension and revocation periods varies depending upon the nature of the violation/situation. Generally, if a person has more than one suspension/revocation in effect, the suspension/revocation periods run concurrently (at the same time). However, in certain situations where a person has multiple suspensions/revocations, Virginia law requires DMV to run the suspension/revocation periods consecutively (one after another).

The following is a list of suspensions/revocations that DMV is required to run consecutively (even if the court does not require it):

- Driving under the influence (DUI) – (with other DUIs and suspensions for refusal to submit to blood/breath tests)
- Refusal to submit to a blood or breath tests – (with DUI suspensions/revocations)
- Juveniles convicted of second or third convictions for violations committed while under age 18 (with any other suspension/revocation)
- Driving while suspended for reasons other than a DUI (only if ordered by court); if court ordered, the suspension period will run consecutively with the indefinite suspension that was in effect on the date charged with driving while suspended.

DMV runs all other suspensions/revocations concurrently unless specifically ordered by the court to run the suspension/revocation consecutively.

Reinstatement Requirements

You should obtain and review your DMV compliance summary for information on the requirements to reinstate your driving privilege. Reinstatement requirements vary depending on the type of suspension. In some cases, a person may have multiple requirements.

Below is a list of common license reinstatement

requirements in Virginia:

- Serve required suspension/revocation period
- Successfully complete a driver improvement clinic
- Provide DMV with a medical and/or vision report from a physician, nurse practitioner, or physician's assistant
- Enroll in and complete the Virginia Alcohol Safety Action Program (VASAP): See VASAP section below
- Complete an intervention interview with VASAP
- Comply with child support order(s) issued by the Department of Social Services, Division of Child Support Enforcement
- Install the ignition interlock system on one or all vehicles owned, co-owned and operated
- Provide DMV with motor vehicle insurance policy information
- Provide DMV with proof that judgement was satisfied (paid in full, payment agreement, creditor's consent or bankruptcy filing)
- Provide proof of financial responsibility "Certificate of Insurance" (SR-22 or FR-44)
- Pay DMV reinstatement fees and, if applicable, multiple order fees
- Provide a court order granting/authorizing restricted privileges
- Provide a court order fully restoring driving privileges

While most of the above requirements are self-explanatory, the following provides details regarding: Certificate of Insurance, Virginia Alcohol Safety Action Program (VASAP), ignition interlock requirements and obtaining a restricted driver's license.

Certificate of Insurance (SR-22 or FR-44)

The two types of proof of financial responsibility issued in Virginia are SR-22- AAMVA Uniform Financial Responsibility Insurance Form, and FR-44- Uniform Financial Responsibility Certificate (required for DUI related convictions). A FR-44 certificate is required if your driving privilege is suspended or revoked for one of the following convictions:

- Driving under the influence of alcohol and/or drugs (Virginia Code § 18.2-266)
- Driving under the influence of alcohol and/or drugs resulting in the maiming of a person (§ 18.2-51.4)
- Driving while suspended/revoked for a DUI-related offense (§ 18.2-272)

A SR-22 certificate is required if your driving privilege is suspended or revoked for one of the following:

- Unsatisfied judgment
- Operating an uninsured motor vehicle
- Failure to maintain insurance coverage on your vehicle

If you are required to file proof of financial responsibility, you must have a SR-22, or if applicable, a FR-44 in effect and on file with DMV:

- In order to obtain restricted driving privileges
- During the period of restricted driving privileges
- While making installment payments on a judgment
- For three years from the:
 - Suspension/revocation end date
 - Judgment satisfaction date

If your insurance policy is canceled during the required three-year insured period, the insurance company will notify DMV by sending a Notice of Cancellation or Termination. Upon receipt of the notice, DMV will suspend/revoke your driving privilege until you provide a current SR-22 or if applicable, FR-44.

Financial responsibility certificate coverage limits are:

- For SR-22's (§ 46.2-472)
 - bodily injury/death of one person \$25,000
 - bodily injury/death of two or more persons \$50,000
 - property damage \$20,000
- For FR-44's - double the minimum coverage limits (§ 46.2-316 (C))
 - bodily injury/death of one person \$50,000
 - bodily injury/death of two or more persons \$100,000
 - property damage \$40,000

The following types of financial responsibility certificates are available:

- **Operator's Policy** – for persons who are required to have a certificate of insurance, but do not own a vehicle. This type of policy allows the insured who holds a license and is listed on the SR-22/FR-44, proof of financial responsibility to operate vehicles. This policy type does not insure vehicles.
- **Owner's Policy** – for persons who own a vehicle(s). This policy allows the insured to register and operate vehicles listed on the SR-22/FR-44 (proof of financial responsibility). All vehicles owned by the customer must be listed on the SR-22/FR-44.

Virginia Alcohol Safety Action Program (VASAP)

For persons convicted of DUI first offense and DUI second offense, Virginia law prohibits DMV from fully reinstating driving privileges until completion of VASAP, and from issuing a restricted license unless the person has enrolled in VASAP. Additionally, for alcohol related reckless driving convictions, the court may require VASAP completion. A representative of the local ASAP will enter the enrollment and completion information on the customer's DMV record.

Ignition Interlock System

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

If you are convicted of a DUI first offense, you will be required to have an ignition interlock device installed on a minimum of one vehicle and any vehicles you operate, as a condition of restricted driving privileges and in order to obtain a restricted driver's license. In some cases, the court may require that you have an ignition interlock device installed on all vehicles you own, co-own and operate. Once installed, ignition interlock is required for a minimum of six consecutive months, violation free. If you decide

not to have ignition interlock installed for restricted driving privileges, your driving privilege will remain revoked and DMV will not require ignition interlock installation at the end of the one year revocation period.

If you are convicted of a DUI second or subsequent offense within ten years, the court will require the installation of an ignition interlock device on every vehicle you own, co-own or operate as a condition of restricted driving privileges or full restoration of driving privileges for a minimum of six consecutive months violation-free. If you do not decide to have ignition interlock equipment installed in order to obtain restricted driving privileges, at the end of the three year revocation period, DMV will require you to have the ignition interlock equipment installed in order to obtain a driver's license.

The Commission on the Virginia Alcohol Safety Action Program administers the VASAP and Ignition Interlock Program and notifies DMV of all VASAP enrollments/completions and ignition interlock installations and completions.

Restricted Driving Privileges

If your driving privilege has been suspended or revoked, you may be eligible for restricted driving privileges in certain instances. Restricted driving privileges are granted either by a court or by DMV, depending on the nature of the suspension or revocation.

When petitioning the court or DMV for restricted driving privileges, you must provide documentation to justify why they are needed. For example, a letter from your employer (on company stationery) would be needed if you are requesting restrictions to drive to and from work.

Court-granted Restricted Driving Privileges

If your driving privileges were suspended or revoked by a Virginia court, Virginia law may permit you to petition the court for restricted driving privileges on or after the conviction date. The following is a list of violations for which a court has the authority to grant restricted driving privileges. Restricted privileges are granted at the discretion of the court.

- If you were convicted of the following offenses, the court in which you were convicted has the authority to grant you restricted driving privileges **at the time of conviction**:
 - Driving under the influence (DUI), first offense
 - Reckless driving
 - Aggressive driving
 - Illegal possession of alcohol
 - Illegal consumption of alcohol
 - Non-motor vehicle related drug violations (convictions and deferrals)
- If you were convicted of a DUI second offense, the court in which you were convicted has the authority to grant restricted driving privileges:
 - **After one year** from the conviction date, if your DUI 2nd offense conviction was within five years of your first DUI conviction.

- **After four months** from your conviction date, if your DUI 2nd offense conviction was within 10 years of your first DUI conviction.

- If you were convicted of a second demerit point or safety belt violation committed while under age 18, resulting in a 90-day suspension by DMV, the Juvenile and Domestic Relations Court in which you were last convicted has the authority to grant restricted driving privileges only for the purposes of driving to/from home, work and an institution of higher learning.
- If your driving privilege was indefinitely revoked due to one of the following convictions, you are eligible to petition the court in which you were convicted, the circuit court of your residence, or, if you are no longer a Virginia resident, any Virginia circuit court, for restricted driving privileges **after three years** from the conviction date:
 - DUI, third offense
 - Three DUIs within 10 years
 - Maiming of another resulting from driving while intoxicated
 - Voluntary or involuntary manslaughter resulting from driving a motor vehicle
 - Voluntary or involuntary manslaughter resulting from driving a motor vehicle while under the influence
 - Habitual offender adjudication or determination
- The court may also authorize DMV to issue you a restricted license if your driving privilege has been suspended for:
 - A conviction of driving while suspended or revoked (non DUI-related) under Virginia Code §46.2-301 only if:
 - the court ordered a suspension period of up to 90 days for the conviction, AND
 - your suspension period has continued longer than the period of time ordered by the court because the court directed DMV not to start the suspension time until you comply other outstanding requirements.
 - Unreasonable refusal of a breath or blood test, first offense
 - May petition the court 30 days after conviction for a restricted driver's license
 - Required to install Ignition Interlock on all vehicles and enter and complete VASAP as condition of restricted license

DMV-granted Restricted Driving Privileges

If your driving privileges were suspended by DMV for a violation of your Driver Improvement Probation (based on demerit point accumulation for convictions), DMV may grant restricted driving privileges if this is your:

- first violation of probation, OR
- second violation and the probationary period during which the violation occurred was immediately preceded by an 18-month control period.

DMV does not have the authority to grant restricted driving privileges for any other suspensions or revocations.

Frequently Asked Questions

How do I obtain a compliance summary?

You may request a DMV compliance summary via the web at www.dmvNOW.com, by phone at 804-497-7100, or in person at any DMV customer service center.

Who should I contact to make arrangements for overdue child support payments?

Contact the Department of Social Service, Division of Child Support Enforcement. Please refer to your compliance summary for contact information.

Who do I contact to have the ignition interlock system installed on my vehicle(s)?

The local Virginia Alcohol Safety Action Program (VASAP) office nearest you can provide information on available ignition interlock providers. A list of the local VASAP offices is available online at www.vasap.state.va.us.

How do I file a SR-22 or FR-44?

Have your insurance company file SR-22 and FR-44 certificates of insurance electronically with DMV.

If I do not own a vehicle, do I have to file an SR-22/FR-44?

Yes. If you do not own a vehicle you will be required to file an operator's policy.

Who should I contact to enroll in a driver improvement clinic?

A list of DMV approved driver improvement clinics is available online at www.dmvNOW.com

Who should I contact to enroll in VASAP?

You may contact the local Virginia Alcohol Safety Action Program (VASAP) office nearest you. A list of the local VASAP offices is available online at www.vasap.state.va.us

Who should I contact to complete an intervention interview?

You may contact the local Virginia Alcohol Safety Action Program (VASAP) office nearest you. A list of the local VASAP offices are available online at www.vasap.state.va.us.



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