

**PETITION FOR RESTORATION OF DRIVING PRIVILEGE –
HABITUAL OFFENDER**

Case No.

Commonwealth of Virginia

VA. CODE §§ 46.2-358; -359; -360; -361

**HEARING DATE
AND TIME**

..... General District Court

CITY OR COUNTY

PETITIONER'S NAME

ADDRESS

COMPLETE DATA BELOW IF KNOWN

| | | | | | | | | | |
|-------|-----|------|-----|-----|-----|-----|------|-------|------|
| RACE | SEX | BORN | | | HT. | | WGT. | EYES | HAIR |
| | | MO. | DAY | YR. | FT. | IN. | | | |
| D.L.# | | | | | | | | STATE | |

TO THE JUDGE OF THE ABOVE NAMED COURT:

I respectfully represent that I was adjudged to be an habitual offender by the General District Court
on
DATE

I have attached a certified “Habitual Offender Restoration Transcript” of my driving record from the Department of Motor Vehicles.

CHECK ONE BOX AS THE BASIS OF YOUR PETITION:

A. Restoration under Va. Code § 46.2-360(1) (Eligibility only after five (5) years from the date of your adjudication – unless you are entitled to credit under subsection (iii) below.) I have been adjudged to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs.

I represent that:

- (i) At the time of the convictions, I was addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (ii) At this time I am no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (iii) Five years have passed from the date on which I was adjudged to be an habitual offender

[For the purposes of determining eligibility under this section, I rely on a period of credit for administrative suspension by the Department of Motor Vehicles, pursuant to Virginia Code § 46.2- 391(B) (for third offense drunk driving) prior to adjudication:

Yes No If yes, period of suspension under § 46.2-391(B): to]; and

- (iv) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth upon my evaluation by the Virginia Alcohol Safety Action Program.

B. Restricted Driver's License under Va. Code § 46.2-360(2) (Eligibility only after three (3) years from the date of your adjudication – unless you are entitled to credit under (iii) below.) I have been adjudged to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs.

I represent that:

- (i) At the time of my convictions, I was addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (ii) At this time I am no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (iii) At least *three* years have passed from the date on which I was adjudged to be and habitual offender

[For purposes of determining eligibility under this section, I rely on a period of credit for administrative suspension by the Department of Motor Vehicles, pursuant to Virginia Code § 46.2- 391(B) (for third offense drunk driving) prior to adjudication.

Yes No If yes, period of suspension under § 46.2-391(B): to]; and

- (iv) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle; and

I request that the Court order the issuance of a restricted license to allow me to drive to and from work and during the course of my employment, upon evaluation by the Virginia Alcohol Safety Action Program.

.....
NAME AND ADDRESS OF EMPLOYER

.....
DAYS AND HOURS WORKED

C. Restoration under Va. Code § 46.2-361(A) (Eligibility only after three (3) years from the adjudication.) I have been adjudged to be an habitual offender and such adjudication was not based on any drunk driving conviction(s), but was based *in part* and dependent upon a conviction of driving while my license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines, costs, forfeitures, restitution and/or penalties; or
- failure to furnish proof of financial responsibility, or
- failure to satisfy a judgment.

I represent that:

- (i) At least *three* years have passed since the date of my adjudication to be an habitual offender.
- (ii) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

D. Restoration under Va. Code § 46.2-361(B) I have been adjudged to be an habitual offender based *entirely* upon convictions of driving while my license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines, costs, forfeitures, restitution and/or penalties; or
- failure to furnish proof of financial responsibility;
- failure to pay uninsured motorist fee; or
- failure to satisfy a judgment.

I attach proof of financial responsibility.

I attach proof of motor vehicle insurance or payment of uninsured motorist fee.

I represent that I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

[] **E.** Restoration under Va. Code § 46.2-359 (Eligibility upon reaching eighteen years of age.) I have been adjudged to be an habitual offender based in whole or in part based on findings of not innocent while I was a juvenile. I am now eighteen years of age or older. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

[] **F.** Restoration under Va. Code § 46.2-358 (Eligibility only five (5) years from the adjudication where adjudication was based on no drunk driving convictions.) I have been adjudged to be an habitual offender, and at least five years have passed since the date of such adjudication. I represent that I do not constitute a threat to the safety and welfare of myself or others with regard to the operation of a motor vehicle. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

I request that the Court hold a hearing on my petition. I understand that the hearing will be held no less than thirty (30) days from the date notice of this petition is served on the Commonwealth's Attorney and the Commissioner of the Department of Motor Vehicles.

I understand that the Commonwealth's Attorney and the Commissioner of the Department of Motor Vehicles may object to my petition and that the Court may deny my petition to restore my privilege to operate a motor vehicle in the Commonwealth, may deny the issuance of a restricted driver's license or may place conditions on my privilege to operate a motor vehicle.

.....
DATE

PETITIONER'S SIGNATURE

| | |
|-----------------------------------|-----------------|
| RETURN – COMMONWEALTH'S ATTORNEY: | |
| SERVED ON | |
| | NAME |
| | _____ |
| DATE | SERVING OFFICER |
| FOR _____ | |

| | |
|-------------------------------|-----------------|
| RETURN – COMMISSIONER OF DMV: | |
| SERVED ON | |
| | NAME |
| | _____ |
| DATE | SERVING OFFICER |
| FOR _____ | |