

USING THIS FORM

1. Copies
 - a. Original - to court
 - b. First copy - to the defendant.
 - c. Additional copies as dictated by local practice.
2. PART I. - Prepared by clerk, signed by defendant and judge or clerk as witness.

PART II. - Prepared by clerk, signed by defendant and judge or clerk entering order of deferred or installment payments.
3. Attachments
 - a. Financial Statement - if ordered by the judge.
4. Preparation details
 - a. This "two-section" form combines the acknowledgment of suspension or revocation of driver's license with the Order and Notice of Deferred payment or installment payments required by the Code of Virginia. See Va. Code §§ 19.2-354, 19.2-358 and 46.2-395.

COMMONWEALTH OF VIRGINIA

Case No. (s) 1

In the Circuit Court for the [] City [] County of 2

[] COMMONWEALTH OF VIRGINIA

[] CITY [] COUNTY OF VS. 4

5 SSN 6 DRIVER'S LICENSE NUMBER (IF DIFFERENT FROM SSN) 7 DEFENDANT DRIVER'S LICENSE STATE

8 RESIDENCE ADDRESS

9 MAILING ADDRESS IF DIFFERENT FROM ABOVE

I. ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE

I acknowledge that I have been notified that my driver's license/driving privilege:

10 [] is suspended or revoked for a period of 11 effective 12 as a result of [] my conviction by this Court.

13 [] action taken by the Virginia Department of Motor Vehicles pursuant to Va. Code § 46.2-390.1 for the Court's conviction or finding of facts sufficient to convict me of violating the drug laws (Va. Code §§ 18.2-247 through 18.2-264) of this Commonwealth.

[] Declaration by the Virginia Department of Motor Vehicles [] Adjudication by Court that I am a habitual offender.

14 [] has been suspended effective 15 [] will be suspended effective fifteen days from the date of sentencing if no deferred or installment payment is ordered, immediately on the day following nonpayment of any Court-ordered deferred or installment payment prescribed in Part II below, or ten days following notice that a check or credit card payment has been dishonored by the bank or issuing institution pursuant to Virginia Code § 46.2-395 as a result of my failure to pay costs, fines, restitution and penalty of \$ 17 plus any additional court-appointed attorney fee, if applicable or transcript costs or the costs of damages for any appeal, if applicable.

I further certify that on this date this notice was read, understood by me, and I received a copy of the same, and that my driver's license

18 [] WAS [] WAS NOT surrendered to this Court. Reason not surrendered: 19

20 DATE 21 DEFENDANT

Witnessed by: 22 [] JUDGE [] CLERK

READ PART I ON THE BACK OF THIS FORM FOR MORE STIPULATIONS, WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ACKNOWLEDGMENT.

II. ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS

SEE PART II ON THE BACK OF THIS FORM FOR FURTHER STIPULATIONS, WARNINGS AND INFORMATION CONCERNING THIS NOTICE AND ORDER, WHICH ARE HEREBY INCORPORATED BY REFERENCE.

Upon due consideration, the Defendant's Petition for deferred or installment payments is accordingly ACCEPTED, and the Defendant is ORDERED to pay costs, fines, forfeiture, restitution and penalty totaling \$ 23 plus any additional court-appointed attorney and court reporter fee, if applicable, by:

24 [] making installment payments of \$ per, beginning until paid in full; or

25 [] making a deferred payment in full on or before

If Deferred payment is not received by the above due date, or if the final Installment payment is not received by 26 the defendant is hereby given NOTICE to return to this Court on 27 at m.

The total listed above does not include transcript costs and any costs/damages that may be charged if you appeal from this court.

NOTICE: READ PART II ON THE BACK OF THIS FORM FOR MORE STIPULATIONS WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ORDER AND NOTICE.

28 Entered this day of

I have asked for and received a copy of this Order and Notice. 29 [] JUDGE [] CLERK

30 DEFENDANT

PART I ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE

I understand that I can avoid this suspension of my driver's license going into effect only if the Court actually receives payment in full of such fine, costs, forfeiture, restitution and penalty by the effective date of this suspension, and that I assume all risks in sending payment by mail. If payment in full is not received by the Court by the effective date, the suspension goes into effect and my license must be surrendered to the Court by that date.

I further understand that, if I am convicted of driving while my driver's license is suspended or revoked, I may be fined, sentenced to jail, or both.

I understand that upon suspension or revocation of my license, I may not operate a motor vehicle in the Commonwealth of Virginia until:

- (1) All periods of suspension imposed by any Court or the Department of Motor Vehicles have expired, AND
- (2) I have paid all unpaid fines, costs, forfeitures, restitution and/or penalties (if any) and the period of suspension (if any) has expired, AND
- (3) The Department of Motor Vehicles reinstates my license (if suspended) or issues a new license (if revoked) after:
 - (a) I have paid the reinstatement fee (if any) to the Department of Motor Vehicles, AND
 - (b) I have delivered a completed copy of the official report of the Court evidencing full payment, if my license was suspended for failure to pay fines, costs, forfeitures, restitution, penalties and/or VASAP fees. I understand that I must obtain this official report from the clerk's office of this Court or the Court where the case papers are filed, AND
 - (c) I have met all other administrative requirements of the Department of Motor Vehicles.

PART II ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS

I understand that:

- (1) the Court may assess a one-time \$10.00 fee to cover the costs of an installment or deferred payment agreement;
- (2) as a condition of this agreement, I must promptly inform the court of any change of my mailing address during the term of this agreement;
- (3) if the fines, costs, forfeitures, restitution and/or penalties are not paid in full by the date ordered, that the Court shall proceed according to the provisions of Virginia Code § 19.2-358, which state that a show cause summons or capias for my arrest may be issued;
- (4) the amount(s) set out in this Order and Notice may be administratively amended by the Clerk of this Court in the event additional costs should be assessed and if additional costs are assessed, that the clerk will forthwith issue a notice to me of the new total amount due by first class mail to my last address of record;
- (5) the Court or Clerk thereof may adjust the final payment date administratively, without further notice to me, for installment payment agreements, if I fail to make a scheduled payment or for deferred payments, if I fail to pay in full by the due date ordered, for the purposes of referring the account for action pursuant to Virginia Code § 19.2-349(A), or for extending the Court's available time to pursue action pursuant to Virginia Code § 19.2-358;
- (6) if the Court has ordered deferred or installment payments, I must make all required payments on time and if I fail to make a scheduled payment, my driver's license shall immediately be suspended forthwith pursuant to Virginia Code § 46.2-395; and
- (7) upon notification by a court that my license has been suspended pursuant to Virginia Code § 46.2-395, that the Commissioner of the Department of Motor Vehicles shall also suspend all of the registration certificates or license plates registered solely in my name and thereafter shall not issue any registration or license plates for any other vehicle that I seek to register solely in my name.
- (8) if the court does not receive payments as ordered, my case will be referred for collection enforcement action under §§ 19.2-349, 19.2-353.5, 19.2-358, 46.2-395, or 58.1-520 through 58.1-534 of the Code of Virginia and that if any part of the amount due remains unpaid, pursuant to § 19.2-358, I may be subject to a jail sentence of up to 60 days or an additional fine of up to \$500.00.

This Order and Notice is provided to the Defendant pursuant to Virginia Code § 19.2-354. This Order shall not be spread on the Order Book of this Court.

DATA ELEMENTS

PART I - Acknowledgment of Suspension or Revocation of Driver's License

1. Court case number(s).
2. Court name. Check applicable box.
3. Check appropriate box and insert name of the locality if the Commonwealth is not the plaintiff.
4. Defendant's full name.
5. Social security number of the defendant.
6. Defendant's driver's license number, if different from SSN.
7. State where driver's license was issued.
8. Defendant's residential address.
9. Mailing address if different than address listed in Data Element No. 8.
10. Check this box if the suspension or revocation is being imposed now or was imposed previously.
11. If Data Element No. 10 is checked, enter the time period (e.g. "6 months" or "1 year") that the driver's license is suspended or revoked.
12. If Data Element No. 10 is checked, enter the effective date of the suspension or revocation.
13. Check applicable box that indicates reason why license is being suspended.
14. Check box if license has been suspended because costs, fines, restitution and/or penalty have not been paid or for dishonored check or credit card.
15. Insert date license was suspended.
16. Check box to indicate license will be suspended if costs, fines, restitution and/or penalty are not paid or if check or credit is dishonored or if deferred or installment payment is not made.
17. Amount of costs, fines, restitution and/or penalty required to be paid.

DATA ELEMENTS (Continued)

18. Check appropriate box which indicates if the defendant surrendered his driver's license to the court.
19. If license not surrendered, enter reason here.
20. Date on which this form is signed by the Defendant.
21. Signature of the Defendant.
22. Signature of witness. Check the appropriate title box.

PART II - Order and Notice of Deferred or Installment Payment(s)

23. Enter total amount of costs, fines, forfeiture, restitution and/or penalty due.
24. Check box if petition for installment payments was granted. Enter the number of payments to be made, the dollar amount to be paid for each installment payment, the interval that payments are due and the date that the first payment is due.

Example:

12 installment payments of \$75 per month, beginning 10/01/98

25. Check box if petition for deferred payment has been granted. Enter the date that the deferred payment is due.
26. If Data Element No. 25 is checked, enter date that the final installment payment is due.
27. Enter date and time defendant is to return to court if he/she fails to pay by the date listed in Data Element No. 26 (if deferred payment) or Data Element No. 24 (if installment payment).
28. Enter date order entered.
29. Signature of person authorizing deferred or installment payment. Check applicable title box.
30. Signature of defendant.