

Using This Revisable PDF Form

When an individual has been adjudicated by a general district court to be an habitual offender, he may apply to that court to have his driving privileges restored. Va. Code § 46.2-358.

The period of time which must elapse before an habitual offender may petition to have his driving privileges restored varies according to the nature of the convictions which formed the basis of the determination of habitual offender status. The time periods and the criteria which must be met in order to successfully petition for restoration are governed by statute. Va. Code § 46.2-358 through -361.

Only one box, A, B, C, D, E or F should be checked for each petition. Options A and B require information to be provided which is necessary for the court to determine whether to restore petitioner's privilege to drive. If option B is checked, a restricted driver's license may be issued and the employer's name and address should be entered in Data Element No. 3 (page 2).

A copy of the petitioner's DMV record should be attached to the completed petition.

If option A or B is checked, the court must complete district court form DC-486, ORDER FOR EVALUATION, and receive the evaluation of the appropriate VASAP program before holding a hearing.

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

Case No. **1**

Commonwealth of Virginia

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

**HEARING DATE
AND TIME**

..... **2**
CITY OR COUNTY

General District Court

..... **6**

..... **3**
PETITIONER'S NAME

..... **3**
ADDRESS

4 COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
D.L.#								STATE	
5									

TO THE JUDGE OF THE ABOVE NAMED COURT:

I respectfully represent that I was adjudged to be an habitual offender by the **7** General District Court
on **8**
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:

9 [] **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 and 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:

10 [] Yes [] No If yes, period of suspension under § 46.2-391(B): **10** to **10**]; 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.

Data Elements, page one of three

1. Court case number.
2. Court name.
3. Name and address of petitioner.
4. Information about petitioner.
5. Driver's license number of petitioner's last valid driver's license and state in which it was issued.
6. Hearing date and time.
7. Name of general district court which determined petitioner to be an habitual offender.
(Should be the same as Data Element No. 2.)
8. Date on which petitioner was determined to be an habitual offender.
9. Check the box for option A if it reflects the basis of the petition.
10. If the box for option A is checked, check appropriate box and enter dates of administrative suspension, if applicable.

1 **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.

2 Yes No If yes, period of suspension under § 46.2-391(B):**2**..... to**2**.....]; 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.

3

4

NAME AND ADDRESS OF EMPLOYER

DAYS AND HOURS WORKED

1 **C.** Restoration under Va. Code § 46.2-361(A) (Eligibility only after three (3) years from the adjudication and after all fines, court costs, forfeitures, restitution, penalties and/or judgments have been paid in full.) 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.

1 **D.** Restoration under Va. Code § 46.2-361(B) (Immediate eligibility after all fines, court costs, forfeitures, restitution, penalties and judgments have been paid.) 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 that all fines, costs, forfeitures, restitution, penalties and/or judgments have been paid in full, and

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.

Data Elements, *page two of three*

1. Check box for option B, C, or D, if it reflects basis of the petition.
2. If the box for option B is checked, check appropriate box and enter dates of the administrative suspension, if applicable.
3. If the box for option B is checked, enter name and address of employer, if applicable.
4. If the box for option B is checked, enter days and hours worked at place of employment, if applicable.

- 1 { [] **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.

..... **2**
DATE

_____ **3** _____
PETITIONER'S SIGNATURE

RETURN – COMMONWEALTH'S ATTORNEY:

SERVED ON **4**
NAME

..... **5** **6**
DATE SERVING OFFICER

FOR **7**

RETURN – COMMISSIONER OF DMV:

SERVED ON **8**
NAME

..... **9** **10**
DATE SERVING OFFICER

FOR **11**

Data Elements, page three of three

1. Check box for option E or F, if it reflects the basis of the petition.
2. Date signed by petitioner.
3. Petitioner's signature.
4. Name of Commonwealth's Attorney served.
5. Date served on Commonwealth's Attorney.
6. Name of serving officer.
7. Jurisdiction/agency. Name of sheriff if served by deputy sheriff.
8. Name of Commissioner of DMV served.
9. Date served on Commissioner of DMV.
10. Name of serving officer.
11. Jurisdiction/agency. Name of sheriff if served by deputy sheriff.