

PURPOSE

The petition and restoration process assists the court in:

- (1) providing maximum safety for those persons using Virginia's highways;
- (2) denying driving privileges to those individuals whose behavior demonstrates an "indifference for safety and welfare of others;" and
- (3) discouraging repeated criminal acts and imposing deprivation of driving privileges upon habitual offenders. (1968 Va. Act C. 476)

PETITIONING AUTHORITY

Evaluations Required.

The code of Virginia (§46.2-360, §46.2-361 and §46.2-391) requires that the court "...prior to acting on the petition, shall order that an evaluation of the person be conducted by a Virginia Alcohol Safety and Action Program and recommendations therefrom be submitted to the court."

Evaluations Requested.

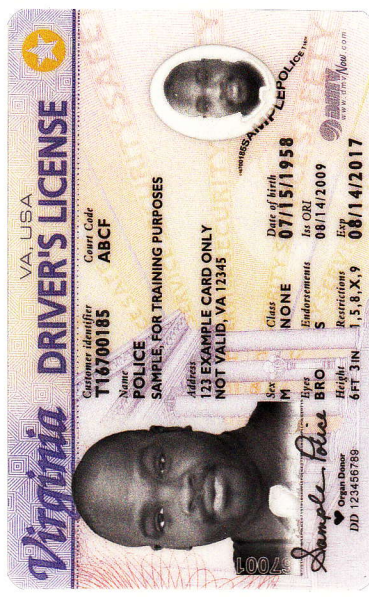
The court may, as a condition of restoration, also request that VASAP complete evaluations of those habitual offenders petitioning for restoration of driving privileges pursuant to §46.2-358 and §46.2-359. These evaluations are completed at the request of the court.



VASAP DIRECTORS ASSOCIATION

Virginia Alcohol Safety Action Program

LICENSE RESTORATION PROGRAM



Petition and Restoration

A Reference Brochure

**The License Restoration
Evaluation Procedure has been
established and approved by the
Commission on VASAP**

Expansion or further clarification
of these procedures may be
obtained by contacting the VASAP
office serving your courts

**Think First
Don't Drink & Drive**

RESTORATION PROCESS

1. *Petition Circuit Court, of residency, for an evaluation to restore your driving privileges.*
2. *The Circuit Court will set a court date for the Judge to issue a court order for the evaluation. Once you have obtained the court order you will need to contact the local ASAP*
3. *The day of your appointment, have the names, mailing addresses, and phone numbers of four people that the office will contact as references. If you have an attorney assisting in this process, you will need to provide the name, mailing address and phone number.*

EVALUATION PROCEDURE

The petitioner should be prepared for:

- *Personal interview with ASAP staff*
- *Personal interview of spouse of other family members by ASAP staff*
- *Investigation into present and past employment*
- *Personal interview of friends by ASAP staff*
- *Verification of payment of all court costs, court fines, and judgments*
- *Research of driving records*
- *Research of criminal history records*
- *Completion of alcohol and other drug screening and assessments*
- *Alcohol or other drug testing at time of evaluation*
- *Possible referral for a clinical assessment with a licensed professional*
- *Payment of the evaluation fee*

Time Required to Complete Evaluation

The evaluation is an involved process which requires sufficient time to obtain all records needed. Although it may be completed within 60 days, additional time may be required to provide the court with the required information.

It may be the decision of the court not to give favorable consideration to restoration of driving privileges until the following conditions are met:

1. Payment of outstanding traffic and criminal court costs, court fines, or judgments
2. No convictions of violating the court order within the previous 3 years
3. No convictions of other alcohol/drug related offenses within the previous 3 years
4. No pending or outstanding criminal charges
5. Payment of all costs associated with, and required by, the evaluation unless the petitioner is declared indigent by the Circuit Court

RECOMMENDATION AGAINST REINSTATEMENT

If, during the evaluation process, the VASAP staff identifies factors which indicate that the petitioner currently presents a significant risk to the community and himself, the recommendation to the court will be against giving favorable consideration to reinstate the driving privileges. These risk factors include but are not limited to current alcohol use, current other drug use, driving record, criminal record, and/or significant medical or psychological issues which would inhibit the petitioner's ability to operate safely a motor vehicle.

Fees: (not all fees may apply)

- Evaluation: \$175.00
 - Evaluation Alcohol and Drug Screening:
- IF Referred:**
- ASAP service fee: \$300.00
 - Intervention (class fee): \$100.00
 - Monitoring Drug Screens; up to \$25.00 for each test
 - Treatment Assessment: Varies depending on provider
 - Treatment Class: Varies depending on provider
 - Ignition Interlock: Varies (minimum of 6 months monitoring)
 - Monitoring over one year: \$30.00 per quarter
- **This does not include FR-44 Insurance (if needed) or DMV Reinstatement fees*

LICENSE RESTORATION WITH CONDITIONS

Statutory Conditions:

In establishing the court's authority to reinstate driving privileges within three years from the date of conviction, The Code of Virginia, in §46.2-360(2), §46.2-361 and §46.2-391 (2), establishes minimum conditions for restoration.

The restricted conditions are set forth under 18.2-271.1(E):

- (i) travel to and from his place of employment;
- (ii) travel to and from an alcohol rehabilitation or safety program;
- (iii) travel during the hours of such person's employment if the operation of a motor vehicle is a necessary incident of such employment;
- (iv) travel to and from school, upon proper written verification to the court that such person is enrolled in a continuing program of education;
- (v) travel for health care services, including medically necessary transportation of an elderly parent or, as designated by the court, any person residing in the person's household with a serious medical problem upon written verification of need by a licensed health professional;
- (vi) travel necessary to transport a minor child under the care of such person to and from school, day care, and facilities housing medical service providers;
- (vii) travel to and from court-ordered visitation with a child of such person;
- (viii) travel to a screening, evaluation and education program entered pursuant to §18.2-251 or subsection H of §18.2-258.1;
- (ix) travel to and from court appearances in which he is a subpoenaed witness or a party and appointment with his probation officer and to and from any programs required by the court or as a condition of probation.
- (x) travel to a place of worship, one day per week
- (xi) travel to and from appointments approved by the Division of Child Support Enforcement as a requirement of participation in a court-ordered intensive case monitoring program for child support
- (xii) travel to and from jail to serve a sentence when such person has been convicted and sentenced to confinement in jail or
- (xiii) travel to and from the facility that installed or monitors the ignition interlock in the person's vehicle.