

Section 5: Penalties



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If you break certain laws or repeatedly violate the laws of Virginia, your driving privilege may be suspended or revoked by the court and/or DMV.

If your license is **suspended**, your privilege to drive has been withdrawn temporarily. You may pay the required fees and reinstate your license at the end of the suspension period. Also, you will be required to show proof of legal presence, which means you are either a U.S. citizen or legally authorized by the federal government to be in the U.S. During the suspension period, if your license has been expired for one year or more, you must show proof of legal presence and pass the two-part knowledge, road skills and vision exams to have your driving privilege reinstated.

Revocation means that your privilege to drive has been terminated. Your driving privilege may be restored if you re-apply for a driver's license and show proof of legal presence after the revocation period has passed. You must successfully complete the vision screening, two-part knowledge exam and road skills tests and pay the required fees when you re-apply.

Conviction-Related Suspensions and Revocations

The court or DMV will suspend or revoke your privilege to drive if you are convicted of any of the following offenses:

- ▶ operating a motor vehicle while under the influence of alcohol or drugs (DUI)
- ▶ injuring another person as a result of operating a motor vehicle while under the influence of alcohol or drugs
- ▶ operating a motor vehicle while suspended or revoked for a DUI

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- ▶ operating a motor vehicle that is not equipped with the ignition interlock device when it is required by the court or DMV
- ▶ making a false statement to DMV
- ▶ failing to stop and identify yourself at the scene of a crash if someone has been injured or killed
- ▶ voluntary or involuntary manslaughter resulting from driving a motor vehicle
- ▶ involuntary manslaughter resulting from operating a motor vehicle while under the influence of alcohol
- ▶ committing a drug offense, regardless of whether or not a motor vehicle is involved
- ▶ committing a felony involving the use of a motor vehicle
- ▶ taking a driver's license exam for another person, or appearing for another person to renew a license
- ▶ eluding police

The court may suspend or revoke your driving privilege if you are convicted of the following offenses:

- ▶ reckless or aggressive driving
- ▶ operating a motor vehicle without a valid driver's license
- ▶ driving while your license is revoked or suspended for a non-DUI related conviction
- ▶ refusing to take a blood/breath test when charged with driving while under the influence of alcohol/drugs
- ▶ failing to pay for gas

If you are convicted of any traffic or criminal convictions and you fail to pay your court fines and costs within 15 days, the court will suspend your driving privilege. The court may offer you the option to enter into an installment payment agreement if you are unable to pay the total amount.

Refer to the DMV website under Reinstating Driving Privileges and Restricted Driving Privileges for information on other reasons for suspensions/revocations, requirements to reinstate your driving privilege, and eligibility for restricted driving privileges.

Other DMV Requirements, Suspensions and Revocations

Driver Improvement Program

If you are a Virginia resident, DMV is responsible for maintaining a driving record of all convictions received from the court. When convictions are added to your record, DMV assigns demerit points to traffic offenses and moving violations. DMV also monitors your driving record to see how many demerit points you receive within a 12-month and 24-month period. Convictions may be assigned three, four or six demerit points. For more information, refer to the

Moving Violations and Points Assessment (DMV 115) publication available at www.dmvNOW.com or DMV customer service centers.

Under Age 18: If you are convicted of a demerit point traffic violation (or safety belt/child restraint violation) committed when you were under age 18, DMV will require that you complete a driver improvement clinic. If you do not complete the clinic within 90 days, DMV will suspend your driving privilege until you complete the clinic and pay a reinstatement fee.

After your second conviction for a demerit point traffic violation (or safety belt/child restraint violation) committed when you were under age 18, DMV will suspend your driving privilege for 90 days. Your third conviction will result in a revocation of your driving privilege for one year or until you reach age 18, whichever is longer.

Age 18 or 19: DMV will require you to complete a driver improvement clinic if you are convicted of a demerit point or safety belt/child restraint violation committed while you were age 18 or 19.

Age 18 or Older: DMV will require you to complete a driver improvement clinic if you accumulate 12 demerit points within 12 months or 18 points within 24 months. If you do not complete the clinic within 90 days, DMV will suspend your driving privilege.

If you receive 18 demerit points within 12 months or 24 points within 24 months, DMV will suspend your driving privilege for 90 days and require that you complete a driver improvement clinic.

For more detailed information on the Driver Improvement Program for juveniles and adults and the actions taken by DMV, refer to www.dmvNOW.com or A Different Kind of Crash Course (DMV 114) brochure.

Medical Review Program

DMV is responsible for making sure that drivers are able to safely operate motor vehicles. When DMV receives a report that a driver may have a physical or mental condition that affects his ability to drive safely, a medical review of the driver may be conducted. DMV is concerned about any condition that impairs the driver's:

- ▶ level of consciousness
- ▶ perception (vision)
- ▶ judgment
- ▶ motor skills

Depending upon the situation, DMV may require you to submit a medical or vision report completed by your physician and/or to pass the two-part knowledge exam and/or road skills test.

Once the medical review is completed, DMV will decide whether to:

- ▶ suspend your driving privilege
- ▶ restrict your driving privilege
- ▶ require you to submit periodic medical and/or vision reports, or
- ▶ end the medical review with no other requirements

If DMV suspends your driving privilege as a result of medical review action, you will not be required to present legal presence proof documents to reinstate your driving privilege unless required to do so for another suspension/revocation or your license expires.

Refer to the DMV publication, *Medical Fitness for Safe Driving (MED 80)*, for more detailed information on the Medical Review Program.

Insurance Monitoring Program

DMV is responsible for making sure that all owners of vehicles with a valid registration comply with the Virginia laws on insurance requirements. When registering a motor vehicle, you must sign a statement on the registration application that you have liability insurance coverage for your motor vehicle, or pay the \$500 uninsured motor vehicle fee. DMV will suspend your driving privilege if:

- ▶ you do not submit the requested insurance policy information to verify that you have liability insurance coverage
- ▶ there is a break in your insurance policy coverage and you do not return your license plates to DMV

Refer to www.dmvNOW.com for more detailed information on Insurance Monitoring activities by DMV.

Suspensions for Failing to Satisfy Child Support-Related Requirements

The Division of Child Support Enforcement will direct DMV to suspend your driving privilege if you:

- ▶ are late making child support payments by 90 days or \$5,000, or
- ▶ fail to appear in court or comply with a subpoena, summons or warrant related to paternity or child support hearings

Refer to the DMV website under Reinstatement for information on eligibility for restricted driving privileges and requirements to reinstate your driving privilege.

Alcohol and the Law

If you are arrested for drinking and driving, the penalties are severe. If the police have probable cause to stop you and suspect that you have been drinking or using drugs, they will ask you to take a breath or blood test. Under implied consent laws, if you operate a motor vehicle on Virginia's public roads, you agree to take a test upon request. If you are involved in a motor vehicle crash and a law enforcement officer has probable cause, you can be arrested for DUI within three hours of the crash without a warrant and at any location.

Administrative License Suspension

If your BAC is .08 percent or higher while you are driving and law enforcement charges you with driving while under the influence of alcohol/drugs or refusing a breath test, your driving privilege will be automatically suspended:

- ▶ for seven days, for a first offense
- ▶ for 60 days or until you go to trial, whichever comes first, for a second offense
- ▶ until the trial, for a third DUI offense

If you are convicted of DUI, the court and DMV will impose a suspension/revocation and other penalties in addition to the administrative license suspension. If you receive multiple DUI convictions, the suspension/revocation periods will run consecutively.

Open Alcohol Containers in Vehicles

You may be charged with drinking while operating a motor vehicle if you:

- ▶ are stopped by law enforcement and you have an open container of alcohol in the passenger area and the contents have been partially removed, and
- ▶ show signs that you have been drinking

The passenger area means the area that seats the driver and passengers and any area within the driver's reach, including an unlocked glove compartment.

Transporting Children While Under the Influence of Alcohol/Drugs

Conviction of any DUI offense involving a juvenile passenger (age 17 or younger) in the vehicle at the time of the offense carries an additional mandatory five-day jail term plus all other fines and jail sentences. You may also be charged an additional fine of at least \$500 and up to \$1,000. A second DUI offense with a juvenile in the vehicle carries an additional 80-hour community service requirement plus all other fines and jail sentences.

Vehicle Impoundment

Your vehicle will be impounded immediately for 30 days if you are caught driving after your license has been suspended for an alcohol-related offense. The court can impound the vehicle for an additional 90 days if you are convicted.

Also, your vehicle will be impounded by law enforcement if you operate a motor vehicle without a license after you have previously been convicted of driving without a license. The vehicle will remain impounded until you obtain a license or for three days, whichever is less.

Restitution

Depending on the laws of the city or county in which you are driving, you may be responsible for paying the cost (up to \$1,000) for law enforcement, emergency medical services, fire fighters and rescue personnel who respond to a crash or incident resulting from your DUI violation.

Alcohol Related Violations and Penalties Involving Persons Under Age 21

Purchasing/Consuming Alcohol: If you are under age 21, you cannot purchase, possess or consume alcohol. If you are convicted of driving after illegally consuming alcohol, and your BAC was at least .02 percent and less than .08, the court penalty will include:

- ▶ a suspension of your driving privilege for one year from the date of conviction, and
- ▶ a minimum mandatory fine of \$500, or
- ▶ the requirement that you complete at least 50 hours of community service.

If you are convicted of driving after illegally consuming alcohol and your BAC was .08 or higher, you may face the same penalties as an adult.

Providing Alcoholic Beverages: If you provide or sell alcoholic beverages to a person under age 21 or someone who is intoxicated or ordered by a court to refrain from drinking alcohol, you are subject to a fine up to \$2,500, mandatory suspension of your driver's license for up to one year, and 12 months in jail.

Misrepresentation of Age: If you are under age 21 and you use or attempt to use a fake ID to establish a false age in an attempt to drink or purchase alcohol, you will:

- ▶ be fined at least \$500
- ▶ be required to perform at least 50 hours of community service
- ▶ face up to 12 months in jail, and
- ▶ face mandatory suspension of your driver's license for at least six months but not more than one year