

**PETITION FOR RESTORATION OF DRIVING PRIVILEGE —**

Case No. ....

**HABITUAL OFFENDER**

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

**HEARING DATE  
AND TIME**

Commonwealth of Virginia

..... General District Court

.....  
CITY OR COUNTY

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	MO.	BORN DAY	YR.	FT.	IN.	WGT.	EYES	HAIR

.....  
PETITIONER'S NAME

SSN

.....  
ADDRESS

VA. D. L. # (IF DIFFERENT FROM SSN)

**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 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 *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 Va. Code § 46.2-391 (B) (for third offense drunk driving) prior to my 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 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 Va. Code § 46.2-391 (B) (for third offense drunk driving) prior to my 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 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 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 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 represent that:

- (i) At least *three* years have passed since the date of my adjudication as 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.

I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

**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; 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 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.

