

1 December 2009

INFORMATION PAPER

SUBJECT: Excessive Speed May Result in Jail Time

1. Purpose. To provide information on Virginia's reckless driving laws.
2. Virginia's reckless driving statute is criminal in nature (as opposed to ordinary traffic citations which are not). Reckless driving charges are especially serious in Virginia, as persons convicted of these charges are subject to a sentence of up to one year in jail, thousands of dollars in fines, and suspension of driving privileges. In addition, a person convicted of reckless driving will face increased insurance rates, and a 6 point administrative penalty by the DMV.
3. The Virginia statute lists a number of practices that are considered reckless. They include passing a school bus, passing an emergency vehicle, racing, and a number of other unsafe practices. The most common violation that we have seen at legal assistance is under Section 46.2-862, which reads:

"Exceeding speed limit - A person shall be guilty of reckless driving who drives a motor vehicle on the highways in the Commonwealth (i) at a speed of twenty miles per hour or more in excess of the applicable maximum speed limit or (ii) in excess of eighty miles per hour regardless of the applicable maximum speed limit."
4. Thus, driving 20 miles per hour over the posted speed limit, or driving at any speed over 80 miles per hour, can result in criminal charges which are much more difficult to resolve than ordinary traffic violations. Cases involving reckless driving charges usually require private representation from attorneys that routinely charge thousands of dollars for their assistance. So please slow down. Your best defense against this costly problem is through prevention. You may even save some lives in the process.
5. Please visit your Fort Belvoir legal assistance office with any questions regarding this important issue.

C.B. RYDELEK
LEGAL ASSISTANCE CHIEF
(703) 805-2856
APPROVED BY LTC REID, SJA