

WHEN LIFE GETS LEGAL

Traffic Law: Navigating Violations and Restoring Driving Rights

November 12, 2025
12pm - 1pm



Session Notes

Below is a summary of the topics and items discussed on the November 12th, 2025, session of **When Life Gets Legal - Traffic Law: Navigating Violations and Restoring Driving Rights**

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SESSION TOPICS

Common Violations | Civil vs Criminal | License Suspensions, Court Process | DUI/DWI Consequences | Reinstatement Procedures

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VIOLATION CATEGORY

- Moving violations occur while vehicle is in operation (speeding, lane changes)
- Non-moving violations can occur in parked vehicles (equipment defects, registration)
- Moving violations have greater insurance and civil liability consequences
- State DMV determines classification between moving and non-moving based on the laws and administrative codes of that state.
- All violations vary significantly by state with different consequences

CIVIL OFFENSES

- Think money - financial consequences, no jail time possible
- Common examples: speeding under 20mph over, expired inspection, phone use
- Civil violations are prepayable without court appearance
- Fines in Virginia: \$6 per mph over limit for speeding
- Maximum civil fine is \$250 for any single violation
- Insurance notification occurs if ticket is prepaid

CRIMINAL OFFENSES

- Liberty at stake - potential jail time plus fines
- Reckless driving: 20mph over limit or any speed over 85mph in Virginia
- DUI/DWI are Class 1 misdemeanors, same as reckless driving
- Penalties up to 12 months jail and \$2,500 fine
- Hit and run becomes felony if damage exceeds \$1,000
- CDL holders face stricter standards with no mitigation options

DUI/DWI DETAILS

- Blood alcohol content (BAC) legal limit is 0.08 nationally
- Enhanced penalties for BAC over 0.15 (5 days mandatory jail)
- BAC over 0.20 results in 10 days mandatory jail time
- First offense: 12-month license suspension, \$250 fine, ASAP program required
- Second offense within 10 years: mandatory jail time increases
- Third offense within 10 years becomes felony with mandatory jail

LICENSE SUSPENSIONS

- Administrative suspension at 21 negative points on license
- DUI conviction: automatic 12-month suspension
- Unpaid child support triggers suspension through DCSE
- Court costs no longer cause suspension (changed 2020-2021)
- Reckless driving: court can suspend up to 6 months
- Under Virginia's implied consent law, drivers must submit to a breath or blood test if arrested for DUI. Refusing the test results in an automatic one-year license suspension for a first offense. The court may grant a restricted license after 30 days. A second refusal within ten years is a misdemeanor and carries a three-year suspension.

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December 10th, 2025
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COURT PROCESS

- Traffic court dates set when officers have court duty
- Expect packed courtrooms with multiple officers present
- Show up early or on time - cases called throughout session
- Bring completed driver improvement course certificate to court
- Officers typically don't remember routine stops
- Judge may reduce charges if mitigating factors presented

KEY TAKEAWAYS

1. Know the difference between civil and criminal violations - criminal means potential jail
2. Reckless driving at 90mph+ typically triggers jail consideration by judges
3. Never refuse BAC test after arrest - consequences worse than DUI
4. Complete driver improvement course before court for better outcomes
5. Hire local attorney familiar with specific jurisdiction practices
6. Young drivers should understand hit-and-run consequences to avoid panic decisions

ATTENDEE QUESTIONS

1. Do traffic laws vary much from state to state, and how do violations in other states affect Virginia licenses?

Answer: Yes, traffic laws and consequences vary significantly between states. Virginia's perspective may not apply in North Carolina or Ohio, though general principles are similar. The DMVs communicate with each other, so out-of-state violations do affect Virginia licenses and points. Camera tickets (red light, speed cameras, school bus cameras) are civil matters that don't affect insurance or driving records since they're not reported. Work zone cameras are increasingly common, especially between Richmond and Hampton Roads, with variable speed limits. These generate civil fines but don't impact insurance rates.

2. What's the difference between DUI and DWI, and what about prescription medications?

Answer: There is no difference between DUI (driving under the influence) and DWI (driving while intoxicated) - they're interchangeable terms that vary by state preference. Virginia calls it DWI, the statute's official term in California for example is DUI. The national intoxication standard is 0.08 BAC. For prescription medications, it's case-sensitive depending on why you were pulled over. If exhibiting impairment symptoms, you must explain prescribed medication use. Officers will ask detailed questions about timing, mixing with alcohol, and other factors. Adverse reactions can be a defense, as seen in high-profile cases, but each situation is fact-specific.

3. Can you refuse the BAC test, and what's the difference between roadside and station tests?

Answer: There are two BAC tests - the preliminary breath test (PBT) roadside and the official test at the station. The PBT results aren't admissible in court but help establish probable cause. You can refuse the PBT, but refusing the official test after arrest is a civil offense with mandatory license suspension and no restricted license option. First refusal is civil only, but second refusal within 10 years becomes criminal (Class 2 misdemeanor) with up to 6 months jail and 3-year license suspension. The advice varies: if you're clearly over 0.08 on PBT, the station test will likely be similar.

4. Should you complete a driver improvement course before court, and does it help with points?

Answer: Yes, complete the course before court if you have time - it shows the judge you're taking the matter seriously. For reckless driving, take the longer DMV-certified course (8-12 hours) specifically for aggressive driving. Voluntary completion before court allows you to select "voluntary" rather than "court-ordered," which can help with point restoration. You can only take one course every two years for point benefits. CDL holders don't receive any benefit from driver improvement courses as they're held to higher standards. Bring the certificate to court as evidence of proactive steps taken.

5. How should young drivers handle accidents to avoid hit-and-run charges?

Answer: Never panic and leave an accident scene - cameras are everywhere and someone always sees. In Virginia, damage over \$1,000 makes hit-and-run a felony (most repairs exceed this). For unattended property damage, make reasonable efforts to find the owner or leave visible contact information on the windshield or door handle. Don't leave notes in hidden spots. If injured and seeking medical treatment, that's the only acceptable reason to leave before police arrive, but still call them. Parents should educate teen drivers that losing driving privileges temporarily is far better than criminal charges that affect employment and education opportunities permanently.

ABOUT OUR SPEAKER:



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Derek Smith is a seasoned trial attorney at Byler Iaquinto Law, P.C. and a passionate advocate in the courtroom. Before joining the firm, he served as a Public Defender in Norfolk for nearly four years, handling over 1,000 cases across Circuit, General District, and Juvenile & Domestic Relations Courts. His practice covers felony and misdemeanor matters, juveniles defense, DUI and drug offenses, property and violent crimes, weapons violations, and traffic cases. Derek earned his B.A. in History from Norfolk State University (2015) and J.D. from Pepperdine University School of Law (2018). A Chesapeake native, he was named Public Practitioner of the Year by the South Hampton Roads Bar Association in 2020.

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