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## Besieged lawmakers promise new look at bad-driver fees

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**The higher fees are setting off alarms among people who think they're excessive, particularly because a reckless driving conviction can cover a broad range of violations.** The Virginian-Pilot file photo

### Background Coverage:

[Bad-driver fines a potential gold mine for connected law firms](#)

New laws aimed at curbing Virginia's worst drivers have already netted hundreds of tickets in Hampton Roads, but rising political pressure may force lawmakers to rethink some of those harsher fines.

State and local police issued at least 525 citations in the region in the first week of July for driving under the influence, reckless driving and operating a vehicle on a suspended license. An additional 191 drivers were cited in Hampton Roads by the

Virginia State Police for license violations or were given notice that their license is suspended.

As of July 1, conviction of such offenses now require dramatically higher fines. Driving on a suspended license can cost an individual \$750 in new fees, in addition other court fines and fees.

Motorists convicted of reckless driving must pay an extra \$1,050, while first-time DUI offenders must pay \$2,250. Felony driving offenses carry a \$3,000 fee.

Convicted drivers must pay a third of the civil fee immediately and the remainder within 26 months.

The fees are intended to generate revenue for a \$3 billion transportation plan the General Assembly passed this year.

The higher fees are setting off alarms among people who think they're excessive, particularly because a reckless driving conviction can cover a broad range of violations.

An online petition calling for a change in the new law had received more than 61,000 signatures as of Friday evening. The petition can be read at <http://www.petitiononline.com/va3202/petition.html>

"In many cases the civil penalties are as much as 10 times the normal fine - that's a lot," said Suffolk Commonwealth's Attorney Phil Ferguson. "I have not seen anything quite like this, personally, since I've been a prosecutor."

The new fees apply to all convictions, including those for people with no prior criminal record. As a result, the fees don't necessarily target the worst offenders, Ferguson said.

"The people that are probably going to be the most adversely affected are either poor or of moderate income barely making it paycheck to paycheck," he said.

The fees are primarily directed at serious traffic crimes such as drunken driving and speeding 20 miles over the posted limit, which is considered reckless driving.

However, the state law cites numerous applicable offenses, including 90 misdemeanors. For instance, if a judge convicts a driver of reckless driving in connection with failing to give a proper signal, passing a stopped school bus, driving too fast for conditions or passing while approaching the crest of a hill, each offense carries an extra \$1,050 fine. If the offense is not considered reckless driving, it does not require the extra fine.

House Majority Leader Morgan Griffith, R-Salem, said some minor changes are needed in new rules, but he considers a wholesale rewrite of the law unnecessary.

For example, Griffith said the new fees are required for anyone convicted of eluding police, including a lone female motorist who drives at a legal speed to a public area instead of stopping immediately for a police officer because she fears for her safety. The woman should be exempted, he said.

He's also considering other changes proposed by other legislators that would no longer require the extra fee when someone is convicted of reckless driving for knowingly having below-standard tires or for learner's permit violations, such as allowing an underage driver to operate a vehicle without adult supervision.

Griffith said he is surprised at the level of opposition to the new law.

"Apparently there's a large constituency out there who want to protect people who are driving crazy and people who are driving drunk," he said.

Justin Bush, a criminal defense attorney in Suffolk, said he has received five or six new clients who have been charged with traffic offenses since July 1. Each was surprised and "much more concerned" when they learned of the new fee, Bush said.

"None of them knew about it," he said.

State Patrol Sgt. Thomas T. Jasinowski said his concern is that judges might become hesitant to convict someone on the original charge if they think the civil fee will present too much of a hardship.

The quickest way to discourage troopers from writing tickets is to show them their charges won't hold up in court, Jasinowski said.

Staff writer Christina Nuckols contributed to this report.

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