

A stylized speedometer graphic is centered in the background. It features a teal-colored needle pointing towards the right, a teal-colored arc representing the speedometer's scale, and three horizontal teal lines on the right side suggesting motion or speed. The entire graphic is set against a dark teal background with subtle circular patterns.

LEAVITT & MARTIN'S GUIDE TO **VIRGINIA SPEEDING TICKETS**

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Is Speeding a Criminal Offense in Virginia?

Speeding is a violation of law, but not a criminal offense in the sense that you may think – in most cases. Here's how the law works.

Speeding Violates Traffic Laws

Officially, a speeding ticket is an infraction, as opposed to a misdemeanor or felony. An infraction carries less serious penalties, but the implications can still be severe. Virginia authorities are strict when it comes to speeding infractions, and speed traps to catch offenders are common.

If, however, you were travelling in excess of 80 miles per hour or 20 over the speed limit, you're no longer looking at an infraction. A different regulation applies and you could be cited for reckless driving. This elevates your violation to a misdemeanor in Virginia and comparable to a drunk driving charge.

Penalties for a Speeding Infraction

There are a number of penalties for a speeding ticket. The Virginia Department of Motor Vehicles (VA DMV) imposes considerable fines, points on your license, and increased auto insurance rates. These penalties increase in their severity with each subsequent offense, and can potentially lead to a license suspension or revocation. Plus, if you don't pay or contest your ticket within the 40 days allowed by law, interest will accrue on the amount you owe. You may be subject to debt collection, which impacts your credit score. Ultimately, a warrant could be issued for your arrest.

Other penalties apply under different circumstances. If you're convicted of the misdemeanor of reckless driving, you face increased fines, impacts on your driving privileges, and potential jail time. Also, keep in mind that radar detectors are illegal, which could trigger additional fines.

Avoid the Confusion: Hire a Traffic Ticket Defense Lawyer

It's possible to fight a speeding infraction or reckless driving matter, but you need an experienced attorney on your side. Contact an attorney to discuss your options.

Should I Plead No Contest to my Virginia Traffic Ticket?

Pleading no contest has serious implications that you may not consider, so the short answer is: No. Here's why.

The Truth About No Contest Pleas

Many people charged with speeding assume that the easy way out is to plead no contest, so they simply pay the fine and avoid a court hearing. However, you may not realize that a no contest plea is the equivalent of admitting that you're guilty. It's not a plea bargain, you're not getting off easy, and the guilty plea will stick with you in the future.

Penalties for a Guilty Plea

Once you've admitted guilt, a judge may apply the full array of penalties allowable under law. Your sentence may include hefty fines and points on your driving record, which could eventually lead to a license revocation or suspension. The court may order you to complete a day-long driver improvement clinic, and your car insurance provider is likely to raise your rates.

Using a No Contest Plea to Your Benefit

You can use a no contest plea for a legal advantage in your case, but you'll need a lawyer to assist with the process. In exchange for pleading no contest at the right time, an attorney may be able to negotiate a lesser sentence or otherwise reduce the impact of the traffic violation.

Don't Plead No Contest Before Talking to a Lawyer

Pleading no contest seems like the path of least resistance, but you can't fully understand the implications of a guilty plea unless you have a legal background. Trust an experienced attorney to work out a no contest plea under circumstances that fully protect your legal rights.

What are the Possible Penalties for Speeding in Virginia?

Speeding is an infraction that may hit your wallet and impact your driving privileges in a number of ways, the penalties will depend on different factors. Here are some that could apply in your case.

Factors that Impact Penalties

There are a number of considerations that affect the amount of your fine, possible revocation of your driver's license, and other sentencing issues. They include:

- **Your Speed:** Your penalties may be more severe if you were driving over the speed limit in an excessive amount. Plus, if you were travelling at more than 80 mph OR in excess of 20 mph over the posted speed limit, you may be facing a reckless driving charge – a violation that's more serious than a speeding ticket.
- **Your Record:** If you have previous speeding tickets or other traffic violations on your record, your penalties increase.
- **Where and When:** The circumstances surrounding your speeding violation are also key factors that impact the penalties you face. For instance, if you were in a construction zone and workers were present, your punishment will be more severe. In addition, if you were speeding through a school zone when children were in attendance, you can expect increased penalties.

Potential Penalties

Virginia takes speeding violations very seriously, and the potential penalties reflect this approach.

- **Fines:** In general, you can expect to pay a \$6 fine for every mile in excess of the speed limit – in addition to court costs. Speeding in a construction zone, school zone, or certain residential areas may raise the fine to \$7-\$8 per mile over the limit.
- **Points on Your License:** The VA DMV has a demerit system that accumulates points on your driving record for different traffic violations. Speeding at 1-9 mph over the limit is 3 points, 10-19 mph over is 4 points, and you'll get 6 points for speeding in excess of 20 mph over the limit.
- **Your Driving Privileges:** Understanding the VA DMV points system is important because of the impact on your driving privileges. If you accumulate 8 points in a year or 12 points in 2 years, you receive an advisory letter. For 12 points in a year or 18 points in 2 years, you must complete a driver improvement clinic. If you accrue 18 points in a year or 24 points in 2 years, your license is suspended for 90 days. The impact on your driver's license only gets worse from there.

Keep in mind that the implications for teen drivers are more severe. In addition, though it's not a penalty imposed by law, your car insurance carrier may also increase your rates. Depending on the company and your situation, you could be paying up to four times what you were before the speeding ticket.

An Experienced Lawyer Will Fight Against Traffic Ticket Penalties

The penalties for a traffic ticket in Virginia aren't set in stone, so it may be possible to negotiate a reduced punishment. The key is retaining a skilled attorney with an in-depth understanding of VA DMV regulations.

Does Punishment for Speeding Escalate?

Yes, your punishment escalates depending on your driving record and previous history of speeding offenses. Here's how Virginia treats subsequent speeding violations.

Your VA Driving Record

When you're charged with speeding, authorities have access to your entire driving record. Every time you get a ticket, it becomes part of your driving record based upon Virginia's points system for traffic violations. For speeding, the number of points you accumulate depends on how far over the limit you were traveling:

- 1-9 mph over the posted limit is 3 points;
- 10-19 mph over the posted limit is 4 points; and,
- More than 20 mph over the posted limit is 6 points.

It's important to understand the demerit points system because it gives authorities a clear view of your past driving history, which directly impacts the penalties you face.

Increasing Penalties for Each Offense

In general, the VA DMV does a look-back period of two years when determining your punishment.

- 8 points in 12 months/12 points in 24 months = An Advisory Letter. The VA DMV will warn you of the consequences if you continue to violate traffic laws.
- 12 points in 12 months/18 points in 2 years = Driver Improvement Clinic. You are required to complete a day-long course on improving your driving skills in order to avoid a driver's license suspension.
- 18 points in 12 months/24 points in 24 months = Automatic Driver's License Suspension. Your driving privileges are suspended for 90 days, and you must complete the driver improvement clinic before your license is returned.

These consequences apply to adult drivers, but the implications for teens are more severe.

Insurance Rates Escalate

You can be sure your insurance rates will go up for every subsequent speeding offense as well. Insurance companies operate by measuring risk, and if you consistently drive over the speed limit, you are a high risk. Your speeding increases the likelihood of an accident, which means the insurer will pay for your actions.

Work with an Attorney to Lessen the Impact of Subsequent Speeding Tickets

These penalties for speeding tickets and accumulation of points apply in all cases, but it may be possible to work out a reduced punishment with the assistance of an experienced lawyer. Before you accept the consequences, talk to an attorney about your options.

How Much Can I Expect to Pay in Fines for a Virginia Speeding Ticket?

In short, a little or a lot, depending on the circumstances surrounding issuance of your ticket. The amount you can expect to pay in speeding fines is also contingent in whether you're able to negotiate your ticket.

Court Costs

A speeding ticket triggers court costs whether you attend a hearing or not. That amount starts at \$51 for a typical violation if you pre-pay, but doesn't include the fines assessed according to the formula below. If you do go to court instead of paying the ticket amount, your court costs will be \$61; not paying *and* not showing upon in court will cost an additional \$35 in court costs.

Fines

You will be charged fine of \$6 for every mile in excess of the speed limit in most cases, but additional fines may apply for speeding in certain zones. For instance:

- Speeding in a Construction Zone: \$7 for every mile over the limit;
- Speeding in a School Zone: \$7 for every mile over the limit; and,
- Speeding in Designated Residential Zones: \$200 minimum, plus \$8 for every mile over the limit.

A Skilled Attorney Can Help Reduce Speeding Ticket Fines

While every case is different, you may be able to reduce speeding ticket fines by negotiating a lower amount with officials. However, you'll need a lawyer that has meticulous knowledge of the laws impacting your matter and experience in traffic court. Contact an attorney about your options.

Is it Possible to Beat a Speeding Ticket in Virginia?

Yes, depending on your case. If you're pulled over for going 10-12 mph over the posted speed limit, you do have options and you should discuss them with a lawyer.

Police Officer Errors

The officer who pulls you over and the information contained on your speeding ticket represent the case against you. Through oral testimony and the written evidence, officials must prove that you were speeding. There can be errors and defects, however, that weaken the case.

- **Equipment Calibration:** An officer relies on radar to detect the speed you're travelling, so this equipment needs to properly maintained. In general, radar equipment should be calibrated within six months of the date you were ticketed. If not, accuracy suffers and the evidence is insufficient to support the speeding ticket.
- **Defective Paperwork:** If the officer didn't prepare the proper paperwork involved with your ticket, this also weakens the case against it. Key omissions amount to insufficient evidence and the case against you may fail.

Your Own Evidence

If you are convinced that you weren't speeding, you may be able to provide evidence to defend against the speeding ticket. GPS technology has come a long way and many motorists rely on these devices for directions, but they also have other functions. Specifically, a GPS may be used to track your speed – and help you beat a speeding ticket under certain circumstances. Of course, just like with a police officer's equipment, you must make sure the device is properly calibrated.

Another potential way to contest a speeding ticket is to have your car's speedometer evaluated at a reputable establishment. If it's established that your speedometer is inaccurate, you may not have had the requisite intent to speed. This may not beat the ticket entirely, but you may obtain favorable treatment in sentencing.

Motion Practice

If there are defects in equipment or paperwork, the situation doesn't result in an automatic dismissal of the ticket. You need to raise the issue of defective evidence through a motion in court, usually a motion to strike the insufficient evidence. Without key facts, the case against you fails and may be dismissed.

Discuss Your Options for Fighting a Speeding Ticket with a Lawyer

Beating a speeding ticket requires knowledge of evidence laws and court procedural rules, which

you probably don't possess if you don't have a legal background. You greatly increase your chances of a favorable outcome if you retain an attorney who will review your case and discuss your options.

How do I Know if I Should Hire a Virginia Traffic Attorney for My Case?

It's important to hire an attorney *any* time you're involved in a legal matter, and a Virginia speeding ticket is no exception. The judges and clerks you come across in court are not allowed to provide you with legal advice, and you know that the opposing attorney doesn't have your best interests in mind. Plus, you should consult with a lawyer right away if:

You may have to pay high fines

General, you'll pay about \$6-\$8 for every mile over the speed limit, plus court costs. In some cases, that could mean hundreds of dollars. Where allowable under the law, a skilled attorney can assist you in with negotiations to bring that amount down.

Your driving privileges are at stake

Depending on your history of traffic tickets, you may be looking at a mandatory, automatic license suspension, and the only way to get your license back is to complete a driver improvement clinic. At a minimum, points will accumulate on your driving record and impact your future. A knowledgeable lawyer can assist you with avoiding these harsh consequences and may be able to help you get your license back on a limited basis – such as for work purposes.

Reckless driving charges apply

If you're speeding at 20 or more mph over the limit *or* driving over 80 mph, you may be charged with reckless driving. This is a misdemeanor under Virginia law, raising the stakes considerably as compared to a traffic ticket. Jail time, probation, and steep fines may be added to the penalties you face for speeding.

You're worried about insurance rates

You can be sure your insurance rates will go up if you get a speeding ticket, because your conduct represents a risk that insurance companies try to avoid. An attorney adept at negotiating skills may be able to keep a speeding ticket from increasing your rates.

You're not a Virginia resident

If you get a speeding ticket in Virginia and want to fight the case, you'll need to come back to the state to attend every court hearing. In complicated matters, this could mean a few appearances. When you retain a lawyer to contest the speeding ticket, he or she will represent your interests in court. Your attorney will also wrap up the final paperwork and assist you with fulfilling the

penalties, so there's no need to return to Virginia.

Trust an Experienced Attorney for Speeding Ticket Cases

Unless you have a legal background, you can't fully protect your rights in a speeding ticket case. A lawyer will take care of details regarding fines and your driver's license, and will defend against reckless driving charges. Whether you're a Virginia resident or from out-of-state, you can't risk going it alone.

What Happens if I Live Out of State and I Get a Virginia Speeding Ticket?

Your options include taking the easy way out – or handling your ticket the smart way. Pleading no contest makes it simple for you to accept the penalties, head home, and move on. But that also amounts to a guilty plea that might not be warranted under the circumstances. You may have grounds to contest the speeding ticket, and an attorney can help.

Contesting the Ticket

In many ways, getting a speeding ticket as a non-resident is the same as a Virginian if you if you want to beat the charges. You must:

- File the appropriate paperwork with the court;
- Appear in court at every scheduled hearing;
- Defend your interests in the case against you;
- Present your side of the case;
- File motions as necessary to protect your interests; and,
- Determine whether there are opportunities to negotiate lesser charges or a lower penalty.

That's a lot to take on for a resident of Virginia – not to mention someone who may live hundreds of miles away. But there's more...

Unique Challenges You Face

Attending court hearings is a logistical nightmare, especially if your speeding violation results in an automatic suspension of your driving privileges under the laws of your home state. You may need to appear in court multiple times as well, if your case isn't resolved at the first hearing.

In addition, you may not understand how Virginia laws and court rules differ from those of another jurisdiction. Speeding laws vary among the states, and a violation in one may be treated drastically differently in another. The difference is especially critical when considering reckless driving, which is 80 mph *or* 20 mph over the posted limit in Virginia. If your state only tickets reckless driving for going 30 mph over, you could be in for a shock when you realize how the issue impacts your fine and driving privileges.

A Knowledgeable Lawyer is Critical for Non-Residents Ticketed in Virginia

Retaining an attorney to handle your Virginia speeding ticket as an out-of-state resident is more than just the convenience of having someone appear on your behalf in court. This type of case has an impact on your driving privileges and financial interests, and potentially your freedom if

criminal reckless driving charges apply. Consult with a Virginia traffic ticket attorney about your options if you're from out-of-state.

