VIRGINIA · DUI CHECKLIST

# Virginia DUI Checklist

What to do today, this week, and before your court date. Print it. Check things off. One step at a time.

YOUR FIRST DEADLINE

### 7 days to act on your Administrative License Suspension (Va. Code § 46.2-391.2)

You may ask the general district court where you were arrested to review the suspension only while it is in effect: 7 days for a first-offense charge (60 days if charged with a second; until trial if charged with a third). The suspension starts when the magistrate serves the notice (form DC-201) at arrest. The court must hear it as quickly as a bail appeal. Since July 1, 2026, a driver charged with a second offense may ask that court for a restricted license with an ignition interlock during the 60-day suspension.

**Who: General District Court (review of suspension); Virginia Department of Motor Vehicles**

## KEY FACTS

**SUSPENSION, 1ST FAILED TEST**

7 days (0.08 or more)

**SUSPENSION, 1ST REFUSAL**

7 days administrative, plus a 1-year court suspension if the refusal is found unreasonable

**1ST OFFENSE CHARGE**

Class 1 misdemeanor

**1ST OFFENSE FINE**

$250 minimum, up to $2,500

**1ST OFFENSE JAIL**

Up to 12 months; mandatory 5 days at 0.15–0.20, 10 days above 0.20

**INSURANCE FILING**

FR-44 for 3 years

**PRIOR OFFENSES**

Priors within 10 years count

**IGNITION INTERLOCK**

Required as a condition of any restricted license after a DUI conviction, and as a condition of getting your full license back after a second or later offense. The court may order it installed immediately upon conviction.

## 1 First 24 Hours

- [ ] **Administrative License Suspension (Va. Code § 46.2-391.2): act within 7 days. You may ask the general district court where you were arrested to review the suspension only while it is in effect: 7 days for a first-offense charge (60 days if charged with a second; until trial if charged with a third). The suspension starts when the magistrate serves the notice (form DC-201) at arrest. The court must hear it as quickly as a bail appeal. Since July 1, 2026, a driver charged with a second offense may ask that court for a restricted license with an ignition interlock during the 60-day suspension.**
- [ ] Find your Notice of Administrative Suspension (DC-201) — The magistrate serves it when you are charged. Your license is suspended right away: 7 days for a first-offense charge, 60 days for a second.
- [ ] Decide fast whether to ask for court review — You can file a Motion for Review of Administrative Suspension (DC-202) in the general district court, but only while the suspension is running. For a first offense that is 7 days.
- [ ] Get your license back after 7 days — For a first offense the license is returned when the suspension ends. Check with the court clerk on how to pick it up.
- [ ] Write down your BAC result — At 0.15 or more a first conviction brings mandatory jail time. The certificate of analysis will matter for your case.
- [ ] Talk to a lawyer before your first court date — A lawyer can explain whether a restricted license, VASAP, and an interlock are likely, and how the case affects your FR-44 insurance.

## 2 Court

- [ ] Arrest, magistrate, and administrative suspension — After a DUI arrest you go before a magistrate, who sets bond and serves the administrative suspension notice (DC-201): 7 days for a first-offense charge.
- [ ] Advisement in General District Court — At your first court date (often called arraignment or advisement), the judge confirms the charge and whether you have a lawyer or need one appointed, and sets a trial date.
- [ ] Trial in General District Court — Misdemeanor DUI trials in General District Court are heard by a judge, not a jury. Discovery and plea talks happen before this date.
- [ ] Sentencing and restricted license — If convicted, the judge sentences you, orders VASAP, and decides whether to grant a restricted license with an ignition interlock.
- [ ] Appeal within 10 days — You can appeal any misdemeanor conviction to the Circuit Court within 10 days, even after a guilty plea. The appeal is a completely new trial.

## 3 Getting Your License Back

- [ ] Virginia Alcohol Safety Action Program (VASAP): Every DUI conviction requires entering and completing an alcohol safety action program. Enrollment within 15 days is also a condition of any restricted license. VASAP monitors interlock compliance.
- [ ] Ignition interlock: Required as a condition of any restricted license after a DUI conviction, and as a condition of getting your full license back after a second or later offense. The court may order it installed immediately upon conviction.

- [ ] File FR-44 insurance and keep it 3 years.
- [ ] Ask about a Restricted driver's license: Ask the sentencing court (Application for Restricted Driver's License, DC-263, if you apply after sentencing). Enroll with your local ASAP within 15 days of the order. Since July 1, 2025, a first or second offender who enters ASAP before trial can pre-qualify and have an interlock installed before conviction; that time counts toward the interlock or restricted-license period the court or DMV later orders.

**Your full Virginia DUI guide**

Deadlines, penalties, the court process, license hearings, and FAQs, with links to the official sources.

**https://dui911.org/virginia**

Official source for your license deadline: https://www.dmv.virginia.gov/sites/default/files/forms/dmv39f.pdf

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