



TRAFFIC LAW – THE POINTS SYSTEM

APRIL 25, 2011

The Virginia Division of Motor Vehicles (**DMV**), not traffic judges, assesses points in Virginia. The best score you can get is a +5. There is no limit on how bad your score can get (really bad drivers may have records with a -30 or -40 score). A bad point balance can have a ripple effect on your insurance rates and traffic court consequences.

DMV assesses different points for each traffic violation. The most serious traffic offenses will earn you six (6) negative points. These include DUI, Reckless Driving and Driving on a Suspended License. Other offenses will earn you four or three (3) negative points. Even a simple speeding ticket of 1 - 9 miles over the speed limit will result in three (3) negative points on your record.

The trick in winning the traffic point game in Virginia is to know which convictions result in which point assessments. Each driving incident can result in a variety of charged offenses. The officer who writes the ticket decides what charge to bring. The charge can be changed in court by the prosecutor, the officer, or the judge. Some charges carry few or no points at all. A good attorney knows those preferred charges, and can often get a serious charge amended to reflect an offense which results in far less points on your record – and far less damage to your wallet!

Our attorneys will work with you to present your best case when you get to court. We first find out if the police can prove their case – they must have certain documentation with them to prevail before the judge. If the police do not have what they need, we ask for the charge to be dismissed. If the police can prove their case, then we use a “mitigation package” to get your charge amended to an offense which carries few or no points. Mitigation packages are tailored to each particular case, and normally contain positive information about the charged driver.

Why worry about your DMV point score? A traffic court judge will look at your record (and point balance) to determine whether to give you a “break.” Your DMV point total is the quickest way to determine what kind of driver you are. Insurance companies review traffic records – and point totals – in setting insurance rates. There is no set formula. A certain point total will not guarantee a certain insurance rate. But one thing is for sure – the worse your point record is, the more expensive your automobile insurance will be.

- Mark Dunn
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