

**MOTION AND ORDER FOR RELEASE OF VEHICLE**  
Commonwealth of Virginia

VA. CODE § 46.2-301.1

CASE NO. ....

HEARING DATE  
AND TIME

COURT NAME ..... General District Court

**REGISTERED OWNER**

**OFFENDER/OPERATOR (IF DIFFERENT FROM OWNER)**

NAME ..... NAME .....  
ADDRESS ..... ADDRESS .....  
CITY/TOWN ..... CITY/TOWN .....  
ZIP CODE ..... ZIP CODE .....  
SOCIAL SECURITY NUMBER ..... SOCIAL SECURITY NUMBER .....

**LIENHOLDER**

NAME ..... CITY/TOWN .....  
ADDRESS ..... ZIP CODE .....

**REASON FOR IMPOUNDMENT/IMMOBILIZATION**

Virginia Code § 46.2-301.1. Operating a motor vehicle when (i) the driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked for a violation of § 18.2-51.4 or driving while intoxicated in violation of §§ 18.2-266, 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction; (ii) driving after adjudication as a habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense; (iii) where the driver's license has been administratively suspended pursuant to Virginia Code § 46.2-391.2; (iv) or the driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked for unreasonable refusal of tests in violation of §§ 18.2-268.3, 46.2-341.26:3 or a substantially similar ordinance or law in any other jurisdiction.

Other: .....

**VEHICLE DESCRIPTION**

MAKE/MODEL ..... YEAR ..... COLOR ..... LICENSE NUMBER ..... STATE .....

**VEHICLE LOCATION**

Vehicle immobilized  
Location of immobilized vehicle .....  
 Vehicle impounded  
Location of impounded vehicle .....

DATE OF IMPOUNDMENT .....

# JUDICIAL REVIEW OF IMPOUNDMENT/IMMOBILIZATION

Any driver who is the owner of the motor vehicle that is impounded or immobilized may, during the period of the impoundment, petition the general district court of the jurisdiction in which the arrest was made to review that impoundment. If the person proves to the court by a preponderance of the evidence that the arresting law-enforcement officer did not have probable cause for the arrest, or that the magistrate did not have probable cause to issue the warrant, the court will rescind the impoundment. Upon rescission, the motor vehicle shall be released and the Commonwealth shall pay or reimburse the person for all reasonable costs of impoundment or immobilization, including removal or storage costs paid or incurred by him. If the person requesting the review fails to appear without just cause, his right to review shall be waived.

The owner or co-owner of any motor vehicle impounded or immobilized who was not the driver at the time of the violation, may petition the general district court in the jurisdiction where the violation occurred for the release of the motor vehicle. The motor vehicle shall be released if the owner or co-owner proves by a preponderance of the evidence that he (i) did not know that the offender's license was suspended or revoked when he authorized the offender to drive such motor vehicle or (ii) did not consent to the operation of the motor vehicle by the offender. If the owner proves by a preponderance of the evidence that his immediate family has only one motor vehicle and will suffer a substantial hardship if that motor vehicle is impounded or immobilized for 30 days, the court, in its discretion, may release the vehicle after some period of less than 30 days.

**NOTE:** Unless the vehicle is released and the impoundment is rescinded pursuant to either a dismissal of the charge of driving on a suspended or revoked license, or upon a finding that there was not probable cause for the arrest or issuance of the warrant, all reasonable costs of impoundment and immobilization must be paid by the offender prior to release of the vehicle.

Any person who knowingly authorizes the operation of a motor vehicle by a person he knows has had his privilege to drive a motor vehicle suspended or revoked shall be guilty of a class 1 misdemeanor.

I, \_\_\_\_\_, the undersigned, do hereby petition the \_\_\_\_\_ Court to review the impoundment or immobilization of the above identified vehicle.

DATE \_\_\_\_\_ OPERATOR \_\_\_\_\_ OWNER \_\_\_\_\_

## ORDER

I grant the petition and find that the impounded vehicle should be released for the following reason:

- No probable cause for arrest or warrant.
- Owner did not know that offender's license was suspended or revoked.
- Owner did not consent to operation of the motor vehicle by offender.
- Owner proved by preponderance of the evidence that his immediate family has only one motor vehicle and will suffer a substantial hardship if motor vehicle is impounded.
- I deny petitioner's request.
- Right to review waived. Driver/petitioner failed to appear.
- \_\_\_\_\_

Nothing in this order shall impede or infringe upon the right of a valid lienholder to cure a default pursuant to an existing security agreement. Va. Code § 46.2-301.1 (F).

DATE \_\_\_\_\_

JUDGE \_\_\_\_\_