

Repeal, Satisfaction and Refund of Civil Remedial Fees

On March 27, 2008, the Governor signed legislation passed by the Virginia legislature its 2008 Regular Session which repeals the “civil remedial fees” created in 2007. Civil remedial fees were often called “abusive driver fees.” This repeal means that civil remedial fees in Virginia have been eliminated. Civil remedial fees are no longer being assessed. The unpaid civil remedial fees will be considered satisfied. Payments made for a civil remedial fee will be refunded.

(1) What are civil remedial fees? Civil remedial fees are fees assessed against Virginia residents who were convicted of driving or motor vehicle-related crimes committed since July 1, 2007. When they applied, civil remedial fees were assessed in addition to the fine and court costs imposed for a conviction. These civil remedial fees only applied to driving or motor vehicle-related felonies and misdemeanors.

Civil remedial fees did not apply to traffic infractions (offenses which are not crimes) such as running a red light or simple speeding. Those more serious traffic violations which are crimes, including reckless driving involving speeding, were subject to the civil remedial fees.

(2) What does the repeal, refund and satisfaction of the fee mean? If you were assessed a civil remedial fee for conviction of a driving or motor vehicle-related crime, these new laws mean that your civil remedial fee is satisfied and you no longer owe a civil remedial fee for that conviction. In addition, if you paid all or part of a civil remedial fee, you will get a refund of the amount you paid for the civil remedial fee. The court will notify the Comptroller of the amount of the refund you are due and will provide him with your address on file with the court. The State Treasurer will mail you a check for a full refund of the amount you have paid for the civil remedial fee. If a balance due remains for the civil remedial fee you were assessed, you will not owe the remaining amount of the civil remedial fee. You will not need to take any action to receive the refund or for the satisfaction of any remaining balance due for the civil remedial fee. If you were not assessed a civil remedial fee or you did not pay any portion of a civil remedial fee assessed against you, you are not eligible for a refund.

(3) How will I know if I am due a refund? If you were assessed a civil remedial fee, the court will send you a letter informing you how much you have paid toward the civil remedial fee. The letter will also inform you that the remaining amount of the civil remedial fee has been satisfied.

