

Reckless Driving: What You Should Know

A thing that often concerns many of my clients as a criminal and traffic defense attorney is that a conviction for Reckless Driving is a class 1 Misdemeanor which is punishable by up to 12 months in jail and a fine of up to \$2,500. The most frequent question I get is “how did I get a Reckless Driving ticket when I wasn’t doing anything different than anyone else.” To answer this question here are a few things you should know about Reckless Driving.

Many people already know that driving 20 miles per hour over the speed limit is an automatic Reckless Driving. However, a lot of people are surprised to learn, sometimes the hard way, that driving in excess of 80 miles per hour, regardless of the posted speed limit, is also considered Reckless Driving. There is even a statute where a person can be found guilty of Reckless Driving for driving “too fast” under the circumstances existing at the time, also regardless of the posted speed limit.

Furthermore, there are also many other different “types” of Reckless Driving. There are actually at least 14 different ways a person may be convicted of Reckless Driving according to the Code of Virginia. Among these are inadequate brakes, passing on a curve, driving with an obstructed view, passing a school bus, racing, driving too fast, driving recklessly in a parking lot, and even just plain old generally driving recklessly to name a few. So now that you are aware that you can be issued a Reckless Driving ticket for what some would say is just about anything, here are a few things you can do to improve your circumstances should you find yourself holding that yellow piece of paper citing you for Reckless Driving.

First of all, stay calm and be cooperative with the officer. Now of course, this does not mean its time for a confessional and that you have to consent to a search or anything else you feel is unreasonable. But remember the officer usually knows nothing about you, or what your intentions might be as they approach your vehicle, so it may improve your situation when it comes time for Court if the officer remembers you were polite and professional during your stop.

Also remember that you are only being “charged” with Reckless Driving and the place for argument is in the Courtroom, not at the scene. The Judge is the person who will make the ultimate decision on rather or not you should be “convicted” of Reckless Driving, not the officer. Finally, and big surprise coming from a lawyer, seek the advice of legal counsel. There are many different outcomes to traffic violations that your attorney will know about and what type of a result that could be considered reasonable for your situation. Attorneys know trial procedure, rules of evidence, rights to appeal, constitutional issues, and posses many other tools that can be used to help our clients in the Courtroom. A Reckless Driving ticket is a serious matter, and like any other serious matter, is best left in the hands of a professional.