WHAT'S NEW FOR 2026–2027

A greater reliance on ignition interlock continues to produce multiple, massive changes in 2026–2027:

(1) A pe-trial restricted license is possible during the 60 day period of administrative license suspension for DUI 2nd charge. Va. Code § 46.2-391.2(A).

(2) Clients can now pre-enroll in VASAP and install ignition interlock PRIOR to trial when charged with Refusal. The time accrued prior to trial counts towards the post conviction suspension. Va. Code § 18.2-268.3(E).

(3) Clients convicted of a Refusal 1st can petition for an immediate restricted license. A 30 day wait is no longer required. Va. Code § 18.2-268.3(F).

(4) Clients convicted of a DUI 2nd can immediately ask for a restricted license. The four month delay for a DUI 2nd in 10 years and the one year delay in a DUI 2nd within 5 years is no longer required. Va. Code § 18.2-271.1(E).

(5) Clients convicted of a 3rd DUI can also request partial restoration with a restricted license immediately without the 3 or 5 year wait. Va. Code § 46.2-391(C)(1).

(6) Baby DUIs now require ignition interlock and VASAP in order to get a restricted license. Va. Code § 18.2-266.1(B).

Virginia Code § 19.2-264.15 was newly created this year for Discovery:

(1) Even though Rule 3A:11 has not changed, this Code requires the Commonwealth to provide copies of any of the discovery materials listed in 3A:11 for Circuit Court. Va Code § 19.2-264.15(A).

(2) Police reports are discoverable in GDC and the Commonwealth must provide a copy at least 10 days prior to trial or preliminary hearing. Circuit-court-like sanctions of suppression are possible for violations. Va. Code § 19.2-264.15(C).

The Virginia Department of Forensic Science continues to implement replacing the Intoximeters EC/IR II with a new evidentiary breath test instrument: the Draeger Alcotest 9510. At the time of this writing, the Intoximeters EC/IR II is still being used throughout Virginia. The Draeger Alcotest is introduced in the breath test chapter.

Judges now have the option to require a GPS-based speed limiter for those convicted of Reckless Driving. Va. Code § 46.2-46.2-507. The "Intelligent Speed Assistance Program" is an alternative to suspending a client's operator's license. Va. Code

§ 46.2-393(C).

Though unpublished, "operation" was defined for push button vehicles - mere possession of the key fob is not enough. Ray v. Commonwealth, 2026 WL 1073403, at *5 (Va. Ct. App. 2026).

A court can allow a driving improvement class instead of a conviction for a first violation of holding a cell phone. Va. Code § 46.2-818.2(C).

Ancillary traffic infractions can proceed to circuit court upon certification of a felony . Va. Code § 19.2-190.1.

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