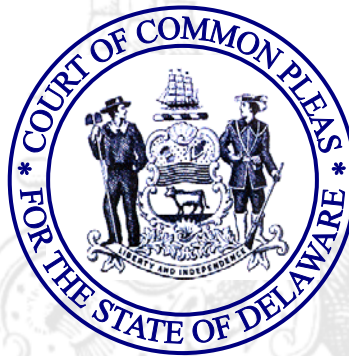


COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE



INSTRUCTIONS AND PETITION
FOR RESTORATION OF
DRIVING PRIVILEGES AFTER BEING
DECLARED AN HABITUAL OFFENDER

<http://courts.state.de.us/commonpleas/>

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

IN AND FOR

___NEW CASTLE COUNTY ___KENT COUNTY ___SUSSEX COUNTY

Petitioner,)
) C.A. NO. _____
)
v.)
) Date of Birth: _____
)
STATE OF DELAWARE,)
) Date: _____
)
Respondent.)

INSTRUCTION SHEET

PLEASE PROVIDE YOUR CURRENT ADDRESS AND TELEPHONE NUMBER
FOR SCHEDULING PURPOSES

COMPLETE ADDRESS: _____

TELEPHONE NUMBER: _____

SIGNATURE: _____

- In order to file a Petition for the restoration of your driving privileges, you must have been declared an habitual offender. You **must** retain the Court order for restoration proceedings.
- As an Habitual Offender under 21 Del.C. § 2802, your driving privileges have been suspended pursuant to 21 Del.C. § 2809.
- Subsection (4) of § 2809 of Title 21 permits the filing of a petition for early restoration of driving privileges after a full three (3) years has elapsed since you were declared as an habitual offender. The

Court will consider your Petition if all fines and costs have been paid, there have been no driving violations during the three (3) years since you were declared an habitual offender, and the Department of Justice has reviewed and approved the request.

- If a period of five (5) years has elapsed since you were declared an habitual offender, the Department of Justice does **not** need to review your petition, however; the other conditions still apply. File your paperwork **directly** with the Clerk's Office of the Court of Common Pleas requesting your driving privileges be restored.
- If filing the Petition in Kent or Sussex Counties, you should contact the Clerk's Office in that County for instructions.

Kent County: 1-302-739-4618 Sussex County: 1-302-856-5056

I. FILING INSTRUCTIONS:

A. To file a Petition, complete the following "set of documents:"

1. Instruction Sheet
2. Petition to Restore Driving Privileges

No petition will be accepted for filing unless the set of documents are completed and signed. When you bring your completed packet to the Clerk's Office, you will be required to pay a filing fee of \$25.00. This entitles you to one (1) certified copy of the Order signed by a Judge or Commissioner. Each additional certified copy will cost \$10.00. Payment for extra copies must be made by SEPARATE check.

B. If applying for restoration **before** the complete five (5) year period lapse:

1. The set of documents must be submitted to the Department of Justice, Carvel State Office Building, 820 N. French St., Wilmington, DE 19801. A Deputy Attorney General will review and send them back to the Court with an approval or disapproval.

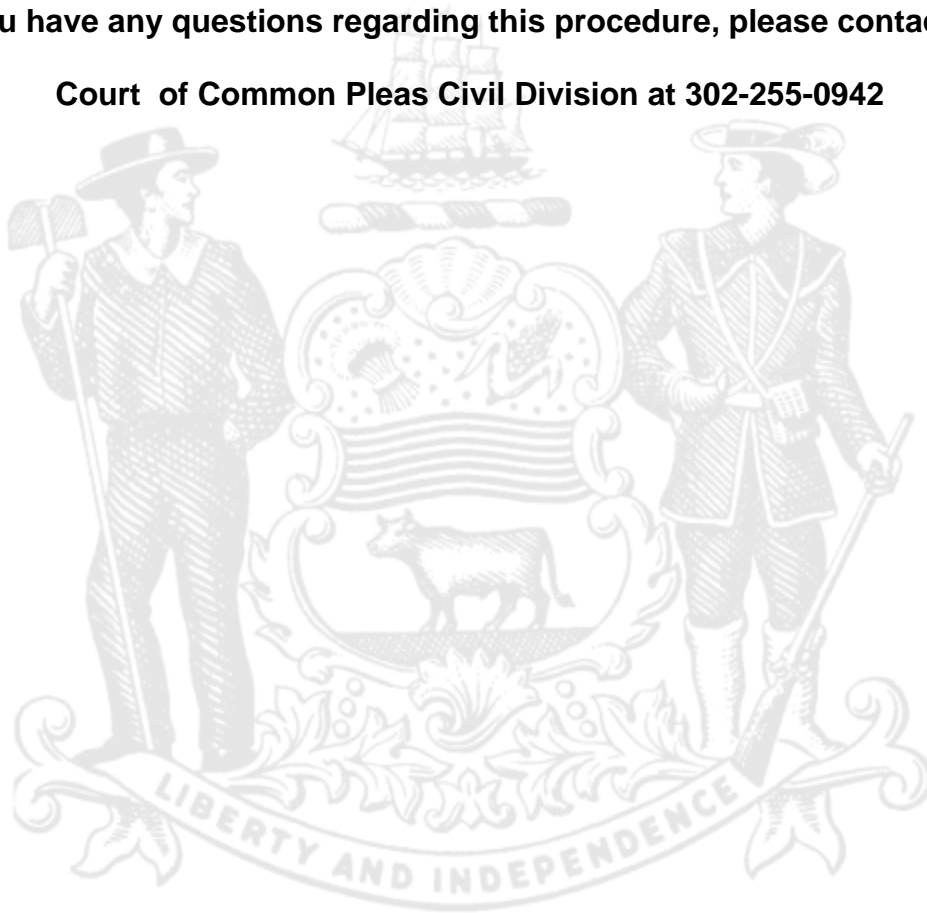
C. If applying for restoration **after** the full five (5) years have passed:

1. File the set of documents directly with the Civil Division of the Court of Common Pleas, New Castle County Courthouse, Suite 1600, 500 N. King Street, Wilmington, Delaware 19801.

II. **COURT PROCEDURES:**

- A. The Clerk's Office will docket the set of documents and you will be assigned a hearing date and notified by mail using the information you provide to us on the instruction sheet. The Court will have access to your driving record during the hearing.

**If you have any questions regarding this procedure, please contact the
Court of Common Pleas Civil Division at 302-255-0942**



IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

IN AND FOR

__NEW CASTLE COUNTY __KENT COUNTY __SUSSEX COUNTY

_____) C.A. No. _____
 Petitioner,)
)
)
 v.) Date of Birth: _____
)
)
)
 STATE OF DELAWARE,) DE License No.: _____
)
 Respondent.)

PETITION TO RESTORE DRIVING PRIVILEGES

TO: Department of Justice
Carvel State Office Building
820 N. French Street
Wilmington, Delaware 19801

PLEASE TAKE NOTICE that the attached Petition will be presented to the Court by Petitioner and heard at the convenience of the Court.

(Sign Name) _____
(Print Name) _____
(Address) _____

(Telephone No.) _____

Dated: _____

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

IN AND FOR

__NEW CASTLE COUNTY __KENT COUNTY __SUSSEX COUNTY

_____) C.A. No. _____
Petitioner,)
)
)
)
v.) Date of Birth: _____
)
)
)
STATE OF DELAWARE,) DE License No.: _____
)
Respondent.)

PETITION TO RESTORE DRIVING PRIVILEGES

COMES NOW the Petitioner, hereby moving this Honorable Court to enter an Order to Restore Petitioner's Driving Privileges and offers in support the following:

1. On or about _____, Petitioner was declared an habitual offender under 21 Del.C. § 2802.
2. Petitioner has not driven a motor vehicle since being declared an habitual offender.
3. Petitioner declares: (please check only one)
 - a. _____ Five (5) years has elapsed since Petitioner was declared an habitual offender under Chapter 28 of Title 21 and therefore, this Petition does not require review from the Department of Justice.

b. _____ Three (3) years has elapsed since Petitioner was declared an habitual offender under Chapter 28 of Title 21, and the instruction form and Petition was forwarded to the Department of Justice for review.

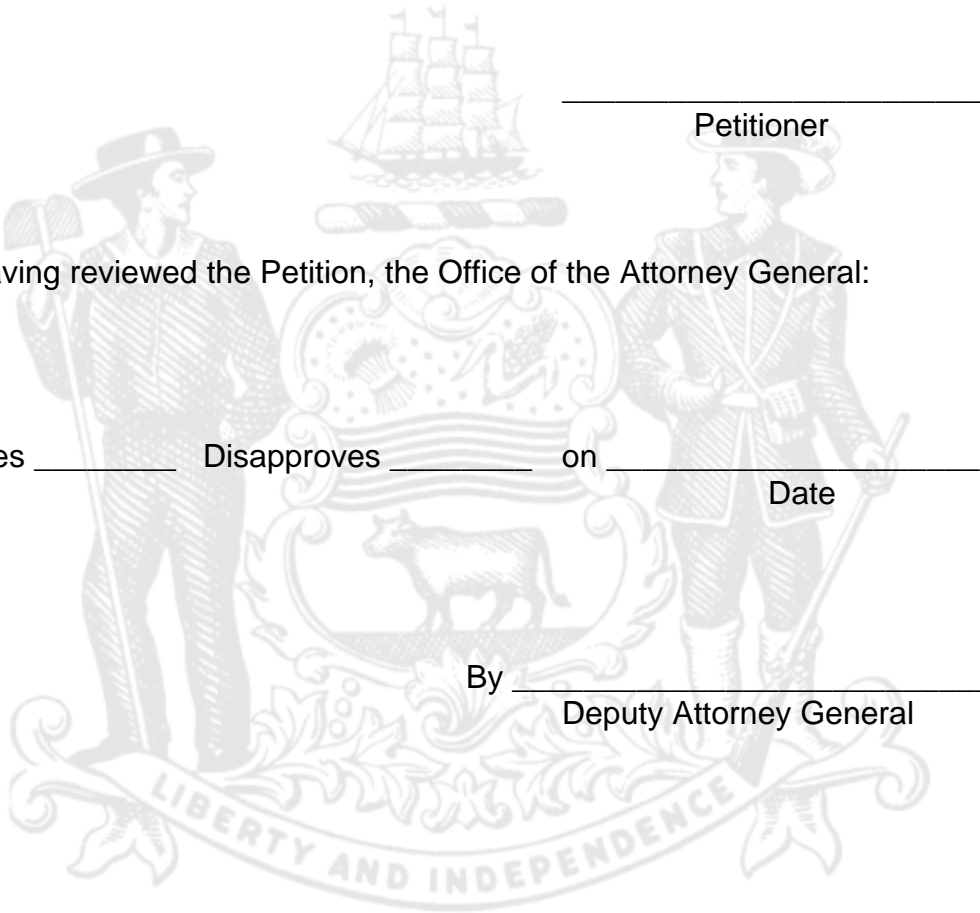
WHEREFORE, Petitioner respectfully requests the Court enter an Order restoring Petitioner's Driving Privileges pursuant to Title 21 Del. C. § 2809.

Petitioner

After having reviewed the Petition, the Office of the Attorney General:

Approves _____ Disapproves _____ on _____
Date

By _____
Deputy Attorney General



IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

IN AND FOR

__NEW CASTLE COUNTY __KENT COUNTY __ SUSSEX COUNTY

_____) C.A. No. _____
 Petitioner,)
)
 v.)
) Date of Birth: _____
)
)
 STATE OF DELAWARE,)
)
 Respondent.) DE License No.: _____

RESTORATION ORDER

AND NOW, TO WIT, this ___ day of _____, 20___, the foregoing Petition having been heard and considered,

___ Where five (5) years having elapsed since the final order declaring petitioner as an habitual offender pursuant to Chapter 28 of Title 21, and petitioner has met all financial responsibilities.

___ Where Three (3) having elapsed since the final order declaring petitioner an habitual offender and this petition having been reviewed by the Department of Justice with their position so indicated above.

IT IS SO ORDERED.

___ a) Granted without conditions

___ b) Denied

JUDGE/ COURT OF COMMON PLEAS