

**Motor Vehicle Law:  
Update and FAQs**

Shea Denning  
School of Government  
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**No Operator's License (G.S. 20-7)**

- Drive
- A motor vehicle
- On a highway
- Without a valid license or without carrying a license

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**License Restrictions (G.S. 20-7(e))**

- Failure to comply with restriction is the equivalent of operating a motor vehicle without a license

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**Violation of A/C restriction on license NOT implied consent offense**

The driver violated a drivers license restriction by . . .

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**Ignition Interlock (G.S. 20-17.8)**

- Violation of ignition interlock restriction is DWLR under G.S. 20-28(a)
- Revocation under G.S. 20-17.8(f)
  - Lasts until case is resolved
  - AOC-CR-341
- If alcohol consumed, then DWLR for ignition interlock violation *is* implied consent offense
- So CVR also may issue

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**Ignition Interlock Violations**

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Limited Driving Privilege:  
G.S. 20-179.3(j)

- A holder of a limited driving privilege who violates any of its restrictions commits the offense of DWLR under G.S. 20-28(a)
- If holder of limited driving privilege is charged with DWLR by violating restriction in privilege, privilege is suspended and
- Judicial official must require the holder to surrender the privilege

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LDP Violations: AOC-CR-341

STATE OF NORTH CAROLINA

County \_\_\_\_\_

In The General Court Of Justice  
Clerk's Court Division

STATE VERSUS \_\_\_\_\_

**ORDER TO SURRENDER LICENSE OR LIMITED DRIVING PRIVILEGE**

G.S. 20-161, 20-179, 20-214, 20-173

**FACTORS FOR PROBABLE CAUSE**

The undersigned judicial official finds probable cause to believe that:

1. A charging officer had reasonable grounds to believe that the above named person committed the offense of driving while license revoked or that the above named person:
  - a. is subject to the restrictions of G.S. 20-173 and violated one or more of those restrictions.
  - b. holds a limited driving privilege pursuant to G.S. 20-161, 20-201, or 20-179 and violated one or more of the restrictions included in the limited driving privilege order.
2. The above named person has been charged with driving while license revoked.

**ORDER**

It is ORDERED that the above named person's drivers license or limited driving privilege be suspended, and the above named person is prohibited from operating a motor vehicle on the highways of North Carolina until the case is resolved and the person is authorized to drive by the Division of Motor Vehicles.

It is further ORDERED that the above named person immediately surrender the person's drivers license or limited driving privilege to the court.

I informed the above named person that the person is not entitled to drive until the case is resolved.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Judicial Official: \_\_\_\_\_

**NOTICE**

Your drivers license or limited driving privilege is suspended. Your license or limited driving privilege will remain suspended until the case is resolved.

**It is unlawful for you to drive a motor vehicle in the state of North Carolina until you are authorized to do so.**

**ACKNOWLEDGMENT**

I understand that my drivers license or limited driving privilege is suspended as of the date of this receipt and I also understand that my license will remain suspended until the case is resolved and I am authorized to drive by the Division of Motor Vehicles.

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Run and You're Done . . .  
  
... but the  
magistrate's not!

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**S.L. 2013-243 (H 656)**

<b>(TYPE OR PRINT IN BLACK INK)</b>		File No.	
<b>STATE OF NORTH CAROLINA</b>		In The General Court Of Justice District Court Division	
County			
Name And Address Of Defendant		<b>OFFICER'S AFFIDAVIT FOR SEIZURE AND IMPOUNDMENT AND MAGISTRATE'S ORDER - FELONY SPEEDING TO ELUDE</b> G.S. 20-28.3	
Defendant's Drivers License No.	State	Name And Address Of Vehicle Owner	
Vehicle Identification No.			
Vehicle License No.	State	Year	Make
		Body	Color
		Present Location Of Motor Vehicle	
Date Of Offense	Time Of Offense	New Or Existing	AM PM
<b>I. OFFICER'S AFFIDAVIT</b>			
The undersigned being first duly sworn deposes:			
1. I am a law enforcement officer. On or about the date of offense shown above, I had probable cause to believe that the defendant named above drove the motor vehicle described above in the above county upon (the street, highway or public roadway area) _____, while committing the offense of felony speeding to elude as provided in G.S. 20-147.5(b) [ G.S. 20-147.5(b) ] in that (an officer lawfully to constitute probable cause.)			
2. I charged the defendant with an offense in violation of the statute cited above.			
3. A check of law enforcement records or other reliable information indicates that the motor vehicle described above has not been reported stolen.			
4. The motor vehicle described above is not a rental vehicle, or if it is a rental vehicle, the defendant is listed as an authorized driver on the rental contract.			
<input type="checkbox"/> (a) On the date of seizure shown above, I seized the vehicle described above and it is presently at the location shown above. <input type="checkbox"/> (b) The motor vehicle has not yet been seized.			
SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME		Magistrate/DP Hearing Officer	
Name	Signature Of Official Authorized To Administer Oath	Name Of Seizing Officer (Type Of Piece)	
Magistrate	Deputy CSD	Assistant CSD	Chief Of Superior Court
	State Of North Carolina	Name Of Department Of Agency Of Official	
<input type="checkbox"/> Notary	State Of Commissioner Exempt		

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**Motor Vehicle Seizure & Impoundment:**  
**G.S. 20-28.3**

- Motor vehicle driven by person charged with a *an offense involving impaired driving* subject to seizure if
  - Person's license was revoked as a result of a *prior impaired driving license revocation*, or
  - Person was driving without a valid driver's license and was not covered by an automobile insurance policy

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**AOC-CR-323A**

<b>(TYPE OR PRINT IN BLACK INK)</b>		File No.	
<b>STATE OF NORTH CAROLINA</b>		In The General Court Of Justice District Court Division	
County			
Name And Address Of Defendant		<b>OFFICER'S AFFIDAVIT FOR SEIZURE AND IMPOUNDMENT AND MAGISTRATE'S ORDER</b> G.S. 20-28.3	
Defendant's Drivers License No.	State	Name And Address Of Vehicle Owner	
Vehicle Identification No.			
Vehicle License No.	State	Year	Make
		Body	Color
		Present Location Of Motor Vehicle	
Date Of Offense	Time Of Offense	New Or Existing	AM PM
<b>I. OFFICER'S AFFIDAVIT</b>			
The undersigned being first duly sworn deposes:			
1. I am a law enforcement officer. On or about the date of offense shown above, I had probable cause to believe that the defendant named above drove the motor vehicle described above in the above county upon (the street, highway or public roadway area) _____, while committing an offense involving impaired driving in violation of G.S. 20-138.1 [ G.S. 20-138.1 ] in that (an officer lawfully to constitute probable cause.)			
<input type="checkbox"/> (a) I checked the records of the Division of Motor Vehicles' records or other reliable information indicates that, at the time of the above offense, the defendant has been convicted of three (3) or more offenses involving impaired driving as defined in G.S. 20-41(c)(4) within ten (10) years of the date of offense shown above. <input type="checkbox"/> (b) The defendant's drivers license was revoked as a result of a prior impaired driving license revocation as defined in G.S. 20-28.3(a) (the failure of an officer for a list of impaired driving license incidents). [ ] The defendant was driving without a valid drivers license and was not covered by an automobile liability insurance policy.			
2. I charged the defendant with an offense in violation of the statute cited above.			
3. A check of the records of the Division of Motor Vehicles or other reliable information indicates that, at the time of the above offense, <input type="checkbox"/> the defendant's drivers license was not covered by an automobile liability insurance policy.			
4. A check of law enforcement records or other reliable information indicates that the motor vehicle described above has not been reported stolen.			
5. The motor vehicle described above is not a rental vehicle, or if it is a rental vehicle, the defendant is listed as an authorized driver on the rental contract.			
<input type="checkbox"/> (a) On the date of seizure shown above, I seized the vehicle described above and it is presently at the location shown above. <input type="checkbox"/> (b) The motor vehicle has not yet been seized.			

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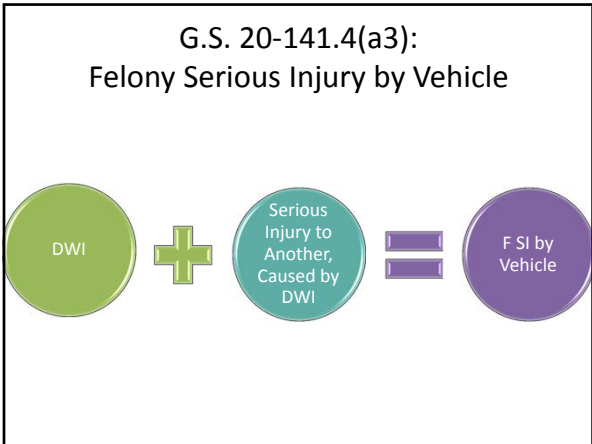
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- Hit and Run:  
G.S. 20-166(a)**
- Drive
  - Vehicle
  - Involved in crashh
  - Causing serious bodily injury or death
  - Knows or reasonably should know vehicle involved in crash causing injury
  - Willfully
    - Fails to immediately stop
    - Fails to remain at scene
    - Facilitates removal of vehicle

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Elements: G.S. 20-138.1

- Drive
- Vehicle
- Street, Highway, PVA
- While Impaired

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Elements: G.S. 20-138.1

Drive = Operate

- Actual physical control of vehicle
- That is in motion or has engine running

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Elements: G.S. 20-138.1

**Highway or PVA**

- Highway = street
- PVA is an area used by the public for vehicular traffic at any time
- Includes subdivision roads
- Parking lots

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**Driving While License Revoked:  
G.S. 20-28(a)**

1. Drives
2. A motor vehicle
3. On a highway
4. While his or her driver's license or privilege to drive in NC is revoked
5. With knowledge of revocation

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**Open Container  
(G.S. 20-138.7)**

(a) Driver  
Drinking  
Misdemeanor

(a1) Anyone  
Infraction

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**Motor Vehicle: G.S. 20-4.01(23)**

- Every self-propelled vehicle
- Every vehicle designed to run upon the highways that is pulled by a self-propelled vehicle
- But not a moped

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**Moped: G.S. 20-4.01(23); 105-164.3**

- Two or three wheels
- No external shifting device
- Motor that does not exceed 50 cc piston displacement and cannot propel vehicle more than 30 mph on level surface

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**Open Container (G.S. 20-138.7)**



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**S.L. 2013-348 (S 659)**

- Amends G.S. 20-138.7(a3)
- Effective for offenses on or after October 1, 2013
- Motor vehicle means “any vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways and includes mopeds.”

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