

What Counts as a "Moving Violation" in North Carolina?

Statute	Offense
N.C.G.S. §20-7	Driving with No License/Aid and Abet in License Violation/Learners Permit Violation
N.C.G.S. §20-7(a1)	Driving a motorcycle without endorsement
N.C.G.S. §20-7(e)	Non-Compliance with License Restrictions
N.C.G.S. §20-12.1	Impaired Supervising Driver
N.C.G.S. §20-16.1(b1)	Non-Compliance with License Restrictions or Limited Privilege
N.C.G.S. §20-17(a)(1)	Manslaughter Resulting from Operation of a Vehicle (Voluntary or Involuntary)
N.C.G.S. §20-21	Operating Under Foreign License with Revoked NC Driver's License
N.C.G.S. §20-28(a)	Driving with Revoked License
N.C.G.S. §20-28(d)	Driving While Disqualified
N.C.G.S. §20-29	Refusing to Surrender License
N.C.G.S. §20-32	Permitting an Unlicensed Minor to Drive
N.C.G.S. §20-34	Permitting an Unlicensed Person to Drive
N.C.G.S. §20-37.12(a)	No Certified Driver's License
N.C.G.S. §20-63(g)	Unlawful Altering or Covering of License Plate
N.C.G.S. §20-79(e)	Violating Restrictions of Dealer Plates
N.C.G.S. §20-111	Registration Violation
N.C.G.S. §20-111(1)	Expired Tags/ No Registration
N.C.G.S. §20-114.1	Failure to Obey Law Enforcement or Traffic Enforcement
N.C.G.S. §20-115.1	Violation of Tandem/Semitrailer Restrictions
N.C.G.S. §20-116	Violation of Size/Load Restrictions
N.C.G.S. §20-116(g)	Violation of Loading/Covering Regulations
N.C.G.S. §20-117	No Flag/Light at End of Load
N.C.G.S. §20-118.1	Violation of Weight Restrictions
N.C.G.S. §20-122	Improper Equipment
N.C.G.S. §20-122.1	Unsafe Tires
N.C.G.S. §20-123	Violation of Towing Regulations
N.C.G.S. §20-123.2	Improper Speedometer
N.C.G.S. §20-124	Improper Brakes
N.C.G.S. §20-125(a)	Improper Horn/Warning Device
N.C.G.S. §20-126	Improper Mirrors
N.C.G.S. §20-127(a)	Improper Windshield Wipers
N.C.G.S. §20-128	Improper Exhaust System/Emissions Control Device
N.C.G.S. §20-129	Improper Vehicle Lights
N.C.G.S. §20-129(a)	Driving Without Burning Headlights
N.C.G.S. §20-129(b)	Driving Without Two Headlights
N.C.G.S. §20-129(c)	Driving Without Headlight (Motorcycle)
N.C.G.S. §20-129(d)	Driving Without Rear Lights
N.C.G.S. §20-130.3	White/Clear Lights in Rear

must look
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N.C.G.S. §20-136	Smoke Screen Violation
N.C.G.S. §20-136.1	Driving While Watching Video/Television/Computer
N.C.G.S. §20-137.1	Driving with Unrestrained Child (<16)
N.C.G.S. §20-137.2	Operating Vehicle that Resembles Law Enforcement
N.C.G.S. §20-138.1	Impaired Driving / Aiding and Abetting Impaired Driving
N.C.G.S. §20-138.2(a)	DWI (Commercial Vehicle)
N.C.G.S. §20-138.2B	DWI (School Bus)
N.C.G.S. §20-138.5	Habitual DWI
N.C.G.S. §20-138.7	Open Container
N.C.G.S. §20-140	Reckless Driving
N.C.G.S. §20-140.2	Overloaded/Overcrowded Vehicle
N.C.G.S. §20-140.3	Violation of Highway/Interstate Regulations
N.C.G.S. §20-140.4(a)	Motorcycle/Moped Provisions Violation (Helmet/Overcrowded Vehicle)
N.C.G.S. §20-141	Speeding
N.C.G.S. §20-141(a)	Exceeding Safe Speed
N.C.G.S. §20-141(c)	Driving Below Minimum Speed
N.C.G.S. §20-141(e1)	Speeding on School Property
N.C.G.S. §20-141(h)	Impeding Traffic (Slow Speed)
N.C.G.S. §20-141(j2)	Speeding in a Work Zone
N.C.G.S. §20-141(m)	Failure to Reduce Speed
N.C.G.S. §20-141.1	Speeding in a School Zone
N.C.G.S. §20-141.3	Illegal Racing
N.C.G.S. §20-141.4	Death by Motor Vehicle / Serious Injury by Motor Vehicle
N.C.G.S. §20-141.5	Speeding (Eluding Arrest)
N.C.G.S. §20-142.1	Violation of Railroad Signal
N.C.G.S. §20-146(a)	Driving on Wrong Side
N.C.G.S. §20-146(c)	Driving on Wrong Side (Dual Highway)
N.C.G.S. §20-146(d)	Driving Outside Designated Lane
N.C.G.S. §20-149(a)	Illegal Passing of Another Vehicle
N.C.G.S. §20-149(b)	Failure to Reduce Speed for Passing Vehicle
N.C.G.S. §20-150	Improper Passing
N.C.G.S. §20-152	Following Too Closely
N.C.G.S. §20-153	Illegal Turn
N.C.G.S. §20-154	Unsafe Movement / Failure to Signal Start/Stop/Turn
N.C.G.S. §20-155(a)	Failure to Yield on Left Turn
N.C.G.S. §20-155(b)	Failure to Yield to Right-of-Way
N.C.G.S. §20-157(a)	Failure to Yield to Emergency Vehicle
N.C.G.S. §20-157(b)	Following/Parking Too Closely to Fire Emergency Vehicle
N.C.G.S. §20-157(c)	Obstructing Fire Operations
N.C.G.S. §20-157(d)	Driving Over Fire Hose or Blocking Fire Equipment
N.C.G.S. §20-158	Failure to Heed Vehicle Control Sign
N.C.G.S. §20-158(b)&(c)	Violating Traffic Control Device

N.C.G.S. §20-160	Driving on Sidewalk/Safety Zone
N.C.G.S. §20-162	Improper Parking (Fire Hydrant/Lane/Station, Intersection, or Private Driveway)
N.C.G.S. §20-163	Unattended Motor Vehicle
N.C.G.S. §20-165.1	Driving Opposite One-Way Traffic
N.C.G.S. §20-166	Hit-and-Run/Failure to Report Hit-and-Run
N.C.G.S. §20-173	Failure to Yield (Pedestrian)
N.C.G.S. §20-181	Failure to Dim Headlights
N.C.G.S. §20-183.8(a)	Violation of Inspection Requirements
N.C.G.S. §20-217	Not Stopping for School Bus
N.C.G.S. §20-218(b)	Speeding (School Bus)
N.C.G.S. §20-313	Operating with No Insurance/ Permitting Operation of MV with No Insurance
N.C.G.S. §136-26	Driving on Closed/Unopened Highway

Okay... So What Motor Vehicle Offenses ARE NOT Moving Violations?

Statute	Offense
N.C.G.S. §14-72(a), 20-17(a)(3)	Theft of a Motor Vehicle (May also be a moving violation)
N.C.G.S. §14-399(f1)	Littering from a Motor Vehicle
N.C.G.S. §20-29	Refusing to Exhibit License to Law Officer/ Giving Fictitious Details to Officer
N.C.G.S. §20-50	Lack of Registration/Title
N.C.G.S. §20-57	No Registration Card
N.C.G.S. §20-59	Failure of Lienor to Surrender Title to Legally Entitled Owner
N.C.G.S. §20-67	Failure to Note Change of Address
N.C.G.S. §20-71	Altered/Forged Title, Registration Card, Application or Assignment
N.C.G.S. §20-72(a)	Failure to Surrender Tags/Plates
N.C.G.S. §20-72(b)	Title Delivery Violations
N.C.G.S. §20-73	Failure to Obtain New Title
N.C.G.S. §20-101	Unmarked Business Vehicle
N.C.G.S. §20-102.1	Fraudulent Report of Motor Vehicle Theft or Conversion
N.C.G.S. §20-106	Receiving/Transferring Stolen Vehicle
N.C.G.S. §20-106.1	Motor Vehicle Rental Fraud
N.C.G.S. §20-106.2(b)	Motor Vehicle Sublease Violation
N.C.G.S. §20-107	Tampering or Causing Harm to Vehicle
N.C.G.S. §20-109(b)	Concealment/Misrepresentation of Motor Vehicle Identity
N.C.G.S. §20-111(3)	Lending/Borrowing License Plate for Other Vehicle
N.C.G.S. §20-125.1	Registering Vehicle with No Directional Signals
N.C.G.S. §20-130.1(c)	Possession or Installment of Blue Light on a Non-Law Enforcement Vehicle

N.C.G.S. §20-134	No Lights on Parked Vehicle
N.C.G.S. §20-183.8	Violation of Inspection Requirements
N.C.G.S. §20-287	Mover Vehicle Dealer/Sales Representative without License
N.C.G.S. §20-290	Violating Specified Places of Business on Sales License
N.C.G.S. §20-309	No Vehicle Insurance
N.C.G.S. §20-342 – 347.1	Unlawful Tampering With/Change to Odometer
N.C.G.S. §20-396	Unlawful Motor Carrier Operations

Violations that are Neither Motor Vehicle Offenses NOR Moving Offenses

Statute	Offense
N.C.G.S. §20-7.1	Failure to Notify of Address Change
N.C.G.S. §20-30(1)	Display Revoked/Fictitious/Suspended/Altered License/ID Card
N.C.G.S. §20-30(2)	Counterfeit/Sell/Lend False Driver's License/ ID Card
N.C.G.S. §20-30(3)	Displaying Someone Else's Driver's License/ID Card
N.C.G.S. §20-30(5)	Using Fictitious Name/Information in Obtaining Driver's License
N.C.G.S. §20-30(7)	Sale of License or ID Card by Someone Other than DMV
N.C.G.S. §20-37.6(c3)	Selling Handicapped Placard
N.C.G.S. §20- 37.7, 37.8	Fraudulent Special ID Card
N.C.G.S. §20-174.1	Standing/Sitting/Lying upon Highway or Street
N.C.G.S. §20-175	Soliciting from Highway

great choice

*Your
GOAL
to
not
cause
further
license
suspensions*

Offenses that Cannot Disqualify for a Hearing

Statute	Offense
N.C.G.S. §20-37.6	Handicapped Parking Violation
N.C.G.S. §20-135.2A	Seatbelt Violation
N.C.G.S. §20-162.1	Parking Violation

Driver License Points

If an individual is convicted in North Carolina of certain motor vehicle violations, driver license points are assessed on their driving record based on the date of the offense. (Insurance companies use a different point system to determine insurance rates.)

- An individual's license may be suspended if they accumulate as many as 12 points within a three-year period.
- Eight points within three years following the reinstatement of a license can result in an additional suspension.
- When a driving privilege is reinstated, all previous points on an individual's record are canceled.

A driver can see the status of their license, including the number of points assessed on their record, through their [MyDMV account](#).

Offense*	Length of Suspension or Revocation	Description Statute(s)	Suspension Statute(s)
First suspension	60 days	G.S. 20-16(a)(5)	G.S. 20-16(c)
Second suspension	6 months	G.S. 20-16(a)(5)	G.S. 20-16(c)
Third or subsequent suspension	1 year	G.S. 20-16(a)(5)	G.S. 20-16(c)

**Every driving record is unique and might contain multiple suspensions, which can change eligibility dates for hearings or reinstatements. For current information about an individual driving record, including eligibility dates and any outstanding fines, call (919) 715-7000.*

Last updated Jul. 20, 2019

§ 20-16. Authority of Division to suspend license.

(a) The Division shall have authority to suspend the license of any operator with or without a preliminary hearing upon a showing by its records or other satisfactory evidence that the licensee:

- (1) through (4) Repealed by Session Laws 1979, c. 36;
- (5) Has, under the provisions of subsection (c) of this section, within a three-year period, accumulated 12 or more points, or eight or more points in the three-year period immediately following the reinstatement of a license which has been suspended or revoked because of a conviction for one or more traffic offenses;
- (6) Has made or permitted an unlawful or fraudulent use of such license or a learner's permit, or has displayed or represented as his own, a license or learner's permit not issued to him;
- (7) Has committed an offense in another state, which if committed in this State would be grounds for suspension or revocation;
- (8) Has been convicted of illegal transportation of alcoholic beverages;
- (8a) Has been convicted of impaired instruction under G.S. 20-12.1;
- (8b) Has violated on a military installation a regulation of that installation prohibiting conduct substantially similar to conduct that constitutes impaired driving under G.S. 20-138.1 and, as a result of that violation, has had his privilege to drive on that installation revoked or suspended after an administrative hearing authorized by the commanding officer of the installation and that commanding officer has general court martial jurisdiction;
- (9) Has, within a period of 12 months, been convicted of (i) two or more charges of speeding in excess of 55 and not more than 80 miles per hour, (ii) one or more charges of reckless driving and one or more charges of speeding in excess of 55 and not more than 80 miles per hour, or (iii) one or more charges of aggressive driving and one or more charges of speeding in excess of 55 and not more than 80 miles per hour;
- (10) Has been convicted of operating a motor vehicle at a speed in excess of 75 miles per hour on a public road or highway where the maximum speed is less than 70 miles per hour;
- (10a) Has been convicted of operating a motor vehicle at a speed in excess of 80 miles per hour on a public highway where the maximum speed is 70 miles per hour; or
- (11) Has been sentenced by a court of record and all or a part of the sentence has been suspended and a condition of suspension of the sentence is that the operator not operate a motor vehicle for a period of time.

However, if the Division revokes without a preliminary hearing and the person whose license is being revoked requests a hearing before the effective date of the revocation, the licensee retains his license unless it is revoked under some other provision of the law, until the hearing is held, the person withdraws his request, or he fails to appear at a scheduled hearing.

(b) Pending an appeal from a conviction of any violation of the motor vehicle laws of this State, no driver's license shall be suspended by the Division of Motor Vehicles because of such conviction or because of evidence of the commission of the offense for which the conviction has been had.

(c) The Division shall maintain a record of convictions of every person licensed or required to be licensed under the provisions of this Article as an operator and shall enter therein records of all convictions of such persons for any violation of the motor vehicle laws of this State and shall assign to the record of such person, as of the date of commission of the offense, a number of points for every such conviction in accordance with the following schedule of convictions and points, except that points shall not be assessed for convictions resulting in suspensions or revocations under other provisions of laws: Further, any points heretofore charged for violation of the motor vehicle inspection laws shall not be considered by the Division of Motor Vehicles as a basis for suspension or revocation of driver's license:

Schedule of Point Values

Passing stopped school bus 5
Aggressive driving 5
Reckless driving 4
Hit and run, property damage only 4
Following too close 4
Driving on wrong side of road 4
Illegal passing 4
Failure to yield right-of-way to pedestrian pursuant to G.S. 20-158(b)(2)b. 4
Failure to yield right-of-way to bicycle,

- motor scooter, or motorcycle 4
- Running through stop sign 3
- Speeding in excess of 55 miles per hour 3
- Failing to yield right-of-way 3
- Running through red light 3
- No driver's license or license expired more than one year 3
- Failure to stop for siren 3
- Driving through safety zone 3
- No liability insurance 3
- Failure to report accident where such report is required 3
- Speeding in a school zone in excess of the posted school zone speed limit 3
- Failure to properly restrain a child in a restraint or seat belt 2
- All other moving violations 2
- Littering pursuant to G.S. 14-399 when the littering involves the use of a motor vehicle 1

Schedule of Point Values for Violations While Operating a Commercial Motor Vehicle

- Passing stopped school bus 8
- Rail-highway crossing violation 6
- Careless and reckless driving in violation of G.S. 20-140(f) 6
- Speeding in violation of G.S. 20-141(j3) 6
- Aggressive driving 6
- Reckless driving 5
- Hit and run, property damage only 5
- Following too close 5
- Driving on wrong side of road 5
- Illegal passing 5
- Failure to yield right-of-way to pedestrian pursuant to G.S. 20-158(b)(2)b. 5
- Failure to yield right-of-way to bicycle, motor scooter, or motorcycle 5
- Running through stop sign 4
- Speeding in excess of 55 miles per hour 4
- Failing to yield right-of-way 4
- Running through red light 4
- No driver's license or license expired more than one year 4
- Failure to stop for siren 4
- Driving through safety zone 4
- No liability insurance 4
- Failure to report accident where such report is required 4
- Speeding in a school zone in excess of the posted school zone speed limit 4
- Possessing alcoholic beverages in the passenger area of a commercial motor vehicle 4
- All other moving violations 3
- Littering pursuant to G.S. 14-399 when the littering involves the use of a motor vehicle 1

The above provisions of this subsection shall only apply to violations and convictions which take place within the State of North Carolina. The Schedule of Point Values for Violations While Operating a Commercial Motor Vehicle shall not apply to any commercial motor vehicle known as an "aerial lift truck" having a hydraulic arm and bucket station, and to any commercial motor vehicle known as a "line truck" having a hydraulic lift for cable, if the vehicle is owned, operated by or under contract to a public utility, electric or telephone membership corporation or municipality and used in connection with installation, restoration or maintenance of utility services.

No points shall be assessed for conviction of the following offenses:

- Overloads
- Over length
- Over width
- Over height
- Illegal parking
- Carrying concealed weapon
- Improper plates
- Improper registration
- Improper muffler
- Improper display of license plates or dealers' tags
- Unlawful display of emblems and insignia
- Failure to display current inspection certificate.

In case of the conviction of a licensee of two or more traffic offenses committed on a single occasion, such licensee shall be assessed points for one offense only and if the offenses involved have a different point value, such licensee shall be assessed for the offense having the greater point value.

Upon the restoration of the license or driving privilege of such person whose license or driving privilege has been suspended or revoked because of conviction for a traffic offense, any points that might previously have been accumulated in the driver's record shall be cancelled.

Whenever any licensee accumulates as many as seven points or accumulates as many as four points during a three-year period immediately following reinstatement of his license after a period of suspension or revocation, the Division may request the licensee to attend a conference regarding such licensee's driving record. The Division may also afford any licensee who has accumulated as many as seven points or any licensee who has accumulated as many as four points within a three-year period immediately following reinstatement of his license after a period of suspension or revocation an opportunity to attend a driver improvement clinic operated by the Division and, upon the successful completion of the course taken at the clinic, three points shall be deducted from the licensee's conviction record; provided, that only one deduction of points shall be made on behalf of any licensee within any five-year period.

When a license is suspended under the point system provided for herein, the first such suspension shall be for not more than 60 days; the second such suspension shall not exceed six months and any subsequent suspension shall not exceed one year.

Whenever the driver's license of any person is subject to suspension under this subsection and at the same time also subject to suspension or revocation under other provisions of laws, such suspensions or revocations shall run concurrently.

In the discretion of the Division, a period of probation not to exceed one year may be substituted for suspension or for any unexpired period of suspension under subsections (a)(1) through (a)(10a) of this section. Any violation of probation during the probation period shall result in a suspension for the unexpired remainder of the suspension period. Any accumulation of three or more points under this subsection during a period of probation shall constitute a violation of the condition of probation.

(d) Upon suspending the license of any person as authorized in this section, the Division shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing, not to exceed 60 days after receipt of the request, unless a preliminary hearing was held before his license was suspended. Upon such hearing the duly authorized agents of the Division may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the Division shall either rescind its order of suspension, or good cause appearing therefor, may extend the suspension of such license. Provided further upon such hearing, preliminary or otherwise, involving subsections (a)(1) through (a)(10a) of this section, the Division may for good cause appearing in its discretion substitute a period of probation not to exceed one year for the suspension or for any unexpired period of suspension. Probation shall mean any written agreement between the suspended driver and a duly authorized representative of the Division and such period of probation shall not exceed one year, and any violation of the probation agreement during the probation period shall result in a suspension for the unexpired remainder of the suspension period. The authorized agents of the Division shall have the same powers in connection with a preliminary hearing prior to suspension as this subsection provided in connection with hearings held after suspension. These agents shall also have the authority to take possession of a surrendered license on behalf of the Division if the suspension is upheld and the licensee requests that the suspension begin immediately.

(e) The Division may conduct driver improvement clinics for the benefit of those who have been convicted of one or more violations of this Chapter. Each driver attending a driver improvement clinic shall pay a fee of seventy dollars (\$70.00).

(e1) Notwithstanding any other provision of this Chapter, if the Division suspends the license of an operator pursuant to subdivisions (a)(9), (a)(10), or (a)(10a) of this section, upon the first suspension only, a district court judge may allow the licensee a limited driving privilege or license for a period not to exceed 12 months, provided he has not been convicted of any other motor vehicle moving violation within the previous 12 months. The limited driving privilege shall be issued in the same manner and under the terms and conditions prescribed in G.S. 20-16.1(b)(1), (2), (3), (4), and (5).

(e2) If the Division revokes a person's drivers license pursuant to G.S. 20-17(a)(16), a judge may allow the licensee a limited driving privilege for a period not to exceed the period of revocation. The limited driving privilege shall be issued in the same manner and under the terms and conditions prescribed in G.S. 20-16.1(b)(1), (2), (3), (4), (5), and (g). (1935, c. 52, s. 11; 1947, c. 893, ss. 1, 2; c. 1067, s. 13; 1949, c. 373, ss. 1, 2; c. 1032, s. 2; 1953, c. 450; 1955, c. 1152, s. 15; c. 1187, ss. 9-12; 1957, c. 499, s. 1; 1959, c. 1242, ss. 1-2; 1961, c. 460, ss. 1, 2(a); 1963, c. 1115; 1965, c. 130; 1967, c. 16; 1971, c. 234, ss. 1, 2; c. 793, ss. 1, 2; c. 1198, ss. 1, 2; 1973, c. 17, ss. 1, 2; 1975, c. 716, s. 5; 1977, c. 902, s. 1; 1979, c. 36; c. 667, ss. 18, 41; 1981, c. 412, s. 4; c. 747, ss. 33, 66; 1981 (Reg. Sess., 1982), c. 1256; 1983, c. 435, s. 10; c. 538, ss. 3-5; c. 798; 1983 (Reg. Sess., 1984), c. 1101, s. 4; 1987, c. 744, ss. 1, 2; 1987 (Reg. Sess., 1988), c. 1037, s. 75; 1989, c. 784, s. 9; 1991, c. 682, s. 3; 1999-330, s. 7; 1999-452, s. 10; 2000-109, s. 7(d); 2000-117, s. 2; 2000-155, s. 10; 2001-352, s. 2; 2004-172, s. 3; 2004-193, ss. 2, 3; 2005-276, s. 44.1(d); 2015-241, s. 29.30(d).)

Chapter 3

Your Driving Privilege

Points

Driver License Points

If you are convicted of certain motor vehicle violations in North Carolina, driver license points are placed against your driving record. If you accumulate seven points, you may be assigned to a driver improvement clinic. The clinic fee is \$83.50. Upon satisfactory completion of the clinic, three points are deducted from your driving record. If you accumulate as many as 12 points within a three-year period, your license may be suspended. The accumulation of eight points within three years following the reinstatement of your license can result in a second suspension.

If your driver license is suspended by the point system, it may be taken for:

- 60 days for the first suspension;
- 6 months for the second; and
- 12 months for the third.

When your driving privilege is reinstated, all previous driver license points are canceled. This does not pertain to insurance points.

Points are given for the following offenses:

<i>Conviction</i>	<i>Point Value</i>
Passing a stopped school bus	5
Aggressive driving	5
Reckless driving	4
Hit and run, property damage only	4
Following too closely	4
Driving on wrong side of road	4
Illegal passing	4
Failure to yield right of way to pedestrian pursuant to G.S. 20-158 (b) (2) b.	4
Failure to yield right of way to bicycle, motor scooter or motorcycle	4
Running through stop sign	3
Speeding in excess of 55 mph	3
Failure to yield right of way	3
Running through red light	3
No driver license or license expired more than one year	3
Failure to stop for siren	3
Driving through safety zone	3

No liability insurance	3
Failure to report accident where such report is required	3
Speeding in a school zone in excess of the posted school zone speed limit	3
Failure to properly restrain a child in a restraint or seat belt	2
All other moving violations	2
Littering pursuant to G.S. 14-399 when the littering involves the use of a motor vehicle	1
Schedule of point values for conviction of violations while operating a commercial motor vehicle:	
<i>Conviction</i>	<i>Point Value</i>
Passing stopped school bus	8
Rail-highway crossing violation	6
Careless and reckless driving in violation of G.S.20-140(f)	6
Speeding in violation of G.S. 20-141(j)(3)	6
Aggressive driving	6
Reckless driving	5
Hit and run, property damage only	5
Following too closely	5
Driving on wrong side of road	5
Illegal passing	5
Failure to yield right of way to pedestrian pursuant to G.S. 20-158 (b) (2) b.	5
Failure to yield right of way to bicycle, motor scooter or motorcycle	5
Running through stop sign	4
Speeding in excess of 55 miles per hour	4
Failure to yield right of way	4
Running through red light	4
No driver license or license expired more than one year	4
Failure to stop for siren	4
Driving through safety zone	4
No liability insurance	4
Failure to report accident where such report is required	4
Speeding in a school zone in excess of the posted school zone speed limit	4
Possessing alcoholic beverage in the passenger area of a commercial motor vehicle	4
All other moving violations	3

Littering pursuant to G.S. 14-399 when the littering involves the use of a motor vehicle

1

No points shall be assessed for convictions of the following offenses:

- Overload;
- Overlength;
- Overwidth;
- Overheight;
- Illegal parking;
- Carrying concealed weapon;
- Improper plates;
- Improper registration;
- Improper muffler;
- Improper display of license plates or dealer's tags;
- Unlawful display of emblems and insignia; and
- Failure to display a current inspection certificate.

Any person who commits an offense for which points may be assessed for violations while operating a commercial motor vehicle may be assessed double the amount of any fine or penalty authorized by statute.

Insurance Points

Insurance companies use a different point system to determine insurance rates. If you have any questions concerning insurance points, contact your insurance agent.

Suspensions

In addition to criminal penalties that the court might order, conviction of certain traffic offenses will result in the loss of your driving privilege.

Your driving privilege will be revoked for at least 30 days if you are convicted of:

- Driving any vehicle more than 15 miles per hour over the speed limit, if you are driving at a speed higher than 55 mph.

It will be taken for 60 days if you are convicted of:

- A second charge of speeding over 55 mph and more than 15 mph above the speed limit within one year; or
- Speeding plus reckless driving on the same occasion.

The DMV can also suspend your license for the following:

- Two convictions of speeding over 55 mph within a period of 12 months;
- One conviction of speeding over 55 mph and one conviction of reckless driving within a year;
- A conviction of willful racing with another motor vehicle, whether it is prearranged or unplanned;

- A suspended court sentence or part of a sentence ordering that you must not operate a motor vehicle for a specified period of time; and/or
- A conviction for speeding over 75 mph, in certain cases

In cases like the above, the DMV may suspend your driving privilege as soon as it receives the conviction report from the court. If your driving privilege is revoked, you may have the right to a hearing in the judicial district where you reside. To request a hearing, call at 919-715-7000 or click on Contact Us at MyNCDMV.gov. You will be notified by mail of the time and place for the hearing. At the hearing you may state any facts that you think should entitle you to driving privileges or to a reduction of the suspension period.

If you believe your driving privilege should not have been revoked and the hearing gives you no help, you may appeal the DMV's decision within 30 days to the Superior Court of the county where you live. The court will review your case to see if there were proper grounds for revoking your driving privilege.

Offense

Suspension Time

Manslaughter	1 year
Death by vehicle	1 year
Manslaughter while under the influence of an impairing substance	Permanent
Assault with a motor vehicle	1 year
Failure to stop and give aid when involved in an accident	1 year
Speeding in excess of 55 mph and at least 15 mph over the legal limit while attempting to avoid arrest	1 year
Prearranged racing with another motor vehicle on the highway	*3 years
Watching, betting on or loaning a car for prearranged racing	*3 years
Willful refusal to submit to a blood or breath alcohol test	1 year
Two charges of reckless driving committed within 12 months	1 year
Attempting to obtain a license or learner permit under false pretense	1 year
Failure to yield right of way when entering an intersection, turning at a stop or yield sign, entering a roadway, upon the approach of an emergency vehicle or at a highway construction or maintenance area when the offense results in serious bodily injury	90 days and \$500

***When an officer finds that someone has loaned or is operating a motor vehicle willfully in prearranged racing, he/she will seize the vehicle. If the person is convicted, the court may order the vehicle sold at public auction.**

NOTE: If the court makes a finding that a longer period of revocation is appropriate, the division must revoke for two years.

Out-of-State Conviction

Convictions occurring outside North Carolina may result in your license being suspended or revoked just as if the violations occurred in this state. If a suspension occurs, the Division must notify you by correspondence of the effective date of the suspension.

Failure to Appear and/or to Pay a Fine

When the Division receives notification that you failed to appear in court or pay court fines for a citation received in North Carolina or in another state, you will be notified of the effective date of the revocation if the fines are not paid or waived prior to the date indicated on the correspondence. The revocation will remain in effect until the division is notified by the court that the citation or fine has been paid or waived, and may result in you having to pay appropriate fees to the DMV to obtain a duplicate license. Complying with the citation does not relieve you of the consequences for the actual offense if convicted.

You can prevent the suspension for Failure to Pay by choosing Option A or B:

Option A: I CAN'T Afford to Pay Now.

When people have a hard time paying off tickets, they follow the steps below to ask the court to reduce or waive the amount owed.

Step 1: Fill out the Motion for Relief. AOC-CR-415. You can download the motion at https://www.nccourts.gov/assets/documents/forms/cr415_2.pdf. For help filling out the motion, go to www.resolvetrafficdebtcnc.org.

Step 2: Go to the clerk's office at the court of the county in which you received your motor vehicle offense and give the clerk the motion. Ask the clerk for a hearing ASAP.

Step 3: Attend the hearing (you do not need a lawyer but may use one) and tell the judge why you cannot afford to pay. The judge might reduce the amount you owe, give you a payment plan you can afford, or waive what you owe.

Final step: The court will notify DMV once you have either obtained a waiver of the amount owed or fully paid off your new payment amount, and DMV will stop your suspension.

Option B: I CAN Afford to Fully Pay Now.

When people can pay off their ticket, they follow the steps below to stop the suspension of their license.

Step 1: Call the clerk's office in the court of the county in which you received your motor vehicle offense to ask how to pay.

Step 2: Pay the court the full amount owed. Online you can pay by credit card at <https://www3.nccourts.gov/onlinepayments/menu.sp>. In person you can usually pay by cash, debit card, credit card, money order, certified check, or cashier's check but confirm with the court.

Final Step: The court will notify DMV after you pay the amount in full, and DMV will stop your suspension.

Provisional Licensee (under age 18)

There are other rules that apply to persons under 18 years of age. If you are a provisional licensee, your license may be suspended for:

- 30 days, upon conviction of a second moving violation occurring within a 12-month period;
- 90 days, upon conviction of a third moving violation occurring within a 12-month period; and
- Six months, upon conviction of a fourth moving violation occurring within a 12-month period.

Some examples of moving violations:

- Passing a stopped school bus;
- Reckless driving;
- Hit-and-run;
- Following too closely;
- Driving on the wrong side of the road;
- Illegal passing;
- Running through a stop sign or red light;
- Failure to yield right of way;
- Failure to stop for an emergency siren; and
- Speeding.

Driver License Restoration

North Carolina law requires that a restoration fee of \$83.50 be paid to the DMV before a suspension or revocation can be cleared. (This fee is not required if the license was taken for medical or health reasons following a medical evaluation.) A \$167.25 restoration fee is required when the revocation results from a DWI conviction. Also, a service fee of \$50 is required upon restoration of a revoked or suspended driver license unless the license was surrendered to the court or mailed to the DMV before the effective date of the suspension or revocation.

For the reinstatement of your driving privilege:

1. Visit any driver license office;
2. Provide proof of identity, i.e., driver license or two (2) other acceptable forms of i.d.;
3. Pay a restoration and/or service fee;
4. Reapply for a driver license;
5. Take required tests, if applicable;
6. Provide proof of insurance if required, and
7. Pay for new license issuance.

SAFE DRIVER INCENTIVE PLAN

Driving safely saves lives and money. The North Carolina Safe Driver Incentive Plan (SDIP) was created by state law to give drivers a financial incentive to practice safe driving habits. SDIP points are charged as follows for convictions and at-fault accidents occurring during the Experience Period (the three-year period preceding either the date an individual applies for coverage or the insurance company prepares to renew an existing policy). (NCGS 58-36-65 and 58-36-75)

SDIP POINTS	CONVICTIONS AND AT-FAULT ACCIDENTS POINTS	% OF RATE INCREASE
1	<ul style="list-style-type: none">• All other moving violations.• Speeding 10 mph or less over a speed limit in a speed zone under 55 mph.• At-fault accident resulting in bodily injury (to all persons) of \$1,800 or less; OR resulting in total damage to all property, including the insured's own, of \$2,300 or less.• No Insurance Points will apply for bodily injury if medical costs were incurred solely for diagnostic purposes.	40%
2	<ul style="list-style-type: none">• Illegal passing.• Following too closely.• Driving on wrong side of the road.• At-fault accident resulting in total property damage (including damage to insured's own property) over \$2,300 but less than \$3,850.• Speeding more than 10 mph over the speed limit at a total speed of more than 55 mph and less than 76 mph.• Speeding 10 mph or less over the speed limit in a speed zone of 55 mph or higher.	55%
3	<ul style="list-style-type: none">• At-fault accident resulting in death or total bodily injury (to all persons) in excess of \$1,800; or that result in total damage to all property, (including the insured's own), of \$3,850 or more.• No Insurance Points will apply for bodily injury if the medical costs were incurred solely for diagnostic purposes.	70%
4	<ul style="list-style-type: none">• Reckless driving.• Hit-and-run resulting in property damage only.• Passing a stopped school bus.• Speeding in excess of 75 mph when the speed limit is less than 70 mph.• Speeding in excess of 80 mph when the speed limit is 70 mph or higher.• Driving by a person less than age 21 after consuming alcohol or drugs.	90%
8	<ul style="list-style-type: none">• Driving during revocation or suspension of license or registration.• Aggressive driving.	200%
10	<ul style="list-style-type: none">• Highway racing or knowingly lending a motor vehicle for highway racing.• Speeding to elude arrest.	260%
12	<ul style="list-style-type: none">• Manslaughter or negligent homicide.• Prearranged highway racing or knowingly lending a motor vehicle for prearranged highway racing.• Hit-and-run resulting in bodily injury or death.• Driving with a blood alcohol level of .08 or more.	340%

SPECIAL EXEMPTIONS

An accident provided all of the following:

- There is property damage
- The amount of damage is less than \$2,300
- There is no conviction for
- No licensed operators in the vehicle
- Insurance company may

Speeding 10 mph or less over the speed limit

- The violation did not occur within 100 feet of a school zone
- There is not another moving violation
- (PJC) will not count as a point

One PJC for each household

- A second PJC may cause the driver to be

You will no longer meet the requirements for a

conviction or a second at-fault accident



§ 20-17. Mandatory revocation of license by Division.

(a) The Division shall forthwith revoke the license of any driver upon receiving a record of the driver's conviction for any of the following offenses:

- (1) Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle.
- (2) Either of the following impaired driving offenses:
 - a. Impaired driving under G.S. 20-138.1. *Commercial DWI*
 - b. Impaired driving under G.S. 20-138.2, if the driver's alcohol concentration level was .06 or higher.
For the purposes of this sub-subdivision, the driver's alcohol concentration level result, obtained by chemical analysis, shall be conclusive and is not subject to modification by any party, with or without approval by the court.
- (3) Any felony in the commission of which a motor vehicle is used.
- (4) Failure to stop and render aid in violation of G.S. 20-166(a) or (b).
- (5) Perjury or the making of a false affidavit or statement under oath to the Division under this Article or under any other law relating to the ownership of motor vehicles.
- (6) Conviction, within a period of 12 months, of (i) two charges of reckless driving, (ii) two charges of aggressive driving, or (iii) one or more charges of reckless driving and one or more charges of aggressive driving.
- (7) Conviction upon one charge of aggressive driving or reckless driving while engaged in the illegal transportation of intoxicants for the purpose of sale.
- (8) Conviction of using a false or fictitious name or giving a false or fictitious address in any application for a driver's license, or learner's permit, or any renewal or duplicate thereof, or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any such application or procuring or knowingly permitting or allowing another to commit any of the foregoing acts.
- (9) Any offense set forth under G.S. 20-141.4. *(F) & (M) death by vehicle or*
- (10) Repealed by Session Laws 1997-443, s. 19.26(b). *serious injury by vehicle*
- (11) Conviction of assault with a motor vehicle.
- (12) A second or subsequent conviction of transporting an open container of alcoholic beverage under G.S. 20-138.7.
- (13) A second or subsequent conviction, as defined in G.S. 20-138.2A(d), of driving a commercial motor vehicle after consuming alcohol under G.S. 20-138.2A.
- (14) A conviction of driving a school bus, school activity bus, or child care vehicle after consuming alcohol under G.S. 20-138.2B.
- (15) A conviction of malicious use of an explosive or incendiary device to damage property (G.S. 14-49(b) and (b1)); making a false report concerning a destructive device in a public building (G.S. 14-69.1(c)); perpetrating a hoax concerning a destructive device in a public building (G.S. 14-69.2(c)); possessing or carrying a dynamite cartridge, bomb, grenade, mine, or powerful explosive on educational property (G.S. 14-269.2(b1)); or causing, encouraging, or aiding a minor to possess or carry a dynamite cartridge, bomb, grenade, mine, or powerful explosive on educational property (G.S. 14-269.2(c1)).
- (16) A second or subsequent conviction of larceny of motor fuel under G.S. 14-72.5. A conviction for violating G.S. 14-72.5 is a second or subsequent conviction if at the time of the current offense the person has a previous conviction under G.S. 14-72.5 that occurred in the seven years immediately preceding the date of the current offense.
- (17) A third or subsequent conviction of operating a private passenger automobile with prohibited modifications on any highway or public vehicular area under G.S. 20-135.4(d). A conviction for violating G.S. 20-135.4(d) is a third or subsequent conviction if at the time of the current infraction the person has two or more previous convictions under G.S. 20-135.4 that occurred in the 12 months immediately preceding the date of the current infraction.

(b) On the basis of information provided by the child support enforcement agency or the clerk of court, the Division shall:

- (1) Ensure that no license or right to operate a motor vehicle under this Chapter is renewed or issued to an obligor who is delinquent in making child support payments when a court of record has issued a revocation order pursuant to G.S. 110-142.2 or G.S. 50-13.12. The obligor shall not be entitled to any other hearing before the Division as a result of the revocation of his license pursuant to G.S. 110-142.2 or G.S. 50-13.12; or

x
x

(2) Revoke the drivers license of any person who has willfully failed to complete court-ordered community service and a court has issued a revocation order. This revocation shall continue until the Division receives certification from the clerk of court that the person has completed the court-ordered community service. No person whose drivers license is revoked pursuant to this subdivision shall be entitled to any other hearing before the Division as a result of this revocation. (1935, c. 52, s. 12; 1947, c. 1067, s. 14; 1967, c. 1098, s. 2; 1971, c. 619, s. 7; 1973, c. 18, s. 1; c. 1081, s. 3; c. 1330, s. 2; 1975, c. 716, s. 5; c. 831; 1979, c. 667, ss. 20, 41; 1981, c. 412, s. 4; c. 747, s. 66; 1983, c. 435, s. 15; 1989, c. 771, s. 11; 1991, c. 726, s. 7; 1993 (Reg. Sess., 1994), c. 761, s. 1; 1995, c. 506, s. 7; c. 538, s. 2(b); 1997-234, s. 3; 1997-443, s. 19.26(b); 1998-182, s. 18; 1999-257, s. 4.1; 2001-352, s. 3; 2001-487, s. 52; 2004-193, ss. 4, 5; 2006-253, s. 22.2; 2007-493, s. 2; 2021-128, s. 2.)

§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle offenses.

(a) The Division must revoke the driver's license of a person upon receipt of notice from a court that the person was charged with a motor vehicle offense and he:

- (1) failed to appear, after being notified to do so, when the case was called for a trial or hearing; or
- (2) failed to pay a fine, penalty, or court costs ordered by the court.

Revocation orders entered under the authority of this section are effective on the sixtieth day after the order is mailed or personally delivered to the person.

(b) A license revoked under this section remains revoked until the person whose license has been revoked:

- (1) disposes of the charge in the trial division in which he failed to appear when the case was last called for trial or hearing; or
- (2) demonstrates to the court that he is not the person charged with the offense; or
- (3) pays the penalty, fine, or costs ordered by the court; or
- (4) demonstrates to the court that his failure to pay the penalty, fine, or costs was not willful and that he is making a good faith effort to pay or that the penalty, fine, or costs should be remitted.

Upon receipt of notice from the court that the person has satisfied the conditions of this subsection applicable to his case, the Division must restore the person's license as provided in subsection (c). In addition, if the person whose license is revoked is not a resident of this State, the Division may notify the driver licensing agency in the person's state of residence that the person's license to drive in this State has been revoked.

(b1) A defendant must be afforded an opportunity for a trial or a hearing within a reasonable time of the defendant's appearance. Upon motion of a defendant, the court must order that a hearing or a trial be heard within a reasonable time.

(c) If the person satisfies the conditions of subsection (b) that are applicable to his case before the effective date of the revocation order, the revocation order and any entries on his driving record relating to it shall be deleted and the person does not have to pay the restoration fee set by G.S. 20-7(i1). For all other revocation orders issued pursuant to this section, G.S. 50-13.12 or G.S. 110-142.2, the person must pay the restoration fee and satisfy any other applicable requirements of this Article before the person may be relicensed.

(d) To facilitate the prompt return of licenses and to prevent unjustified charges of driving while license revoked, the clerk of court, upon request, must give the person a copy of the notice it sends to the Division to indicate that the person has complied with the conditions of subsection (b) applicable to his case. If the person complies with the condition before the effective date of the revocation, the notice must indicate that the person is eligible to drive if he is otherwise validly licensed.

(e) As used in this section and in G.S. 20-24.2, the word offense includes crimes and infractions created by this Chapter.

(f) If a license is revoked under subdivision (2) of subsection (a) of this section, and for no other reason, the person subject to the order may apply to the court for a limited driving privilege valid for up to one year or until any fine, penalty, or court costs ordered by the court are paid. The court may grant the limited driving privilege in the same manner and under the terms and conditions prescribed in G.S. 20-16.1. A person is eligible to apply for a limited driving privilege under this subsection only if the person has not had a limited driving privilege granted under this subsection within the three years prior to application. (1985, c. 764, s. 19; 1985 (Reg. Sess., 1986), c. 852, ss. 4-6, 9, 17; 1987, c. 581, s. 4; 1991, c. 682, s. 4; 1993, c. 313, s. 1; 1995, c. 538, s. 2(d); 2020-77, s. 6.5(a).)

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
☐ District ☐ Superior Court Division**STATE VERSUS****REQUEST FOR RELIEF FROM FINES, FEES
AND OTHER MONETARY OBLIGATIONS,
AND ORDER ON REQUEST**

Rule 28 of the General Rules of Practice for the Superior and District Courts

Name And Address Of Attorney ☐ I am self-represented.

Attorney's Telephone No.

ABILITY TO PAY WORKSHEET

Employment Income (per month)

☐ I am unemployed.

\$

List employer(s):

Other Income (per month)

Specify, including for example rental income, investment income, pension, spouse's income, and gifts and financial support from family:

\$

How many people, including yourself, does this income support?

What is the total value of your cash on hand and in bank accounts?

\$

What is the total value of all real property you own?

\$

What is the total value of all major personal property you own (vehicles, jewelry)?

\$

Rent/mortgage you pay monthly

\$

Childcare/child support payments you pay monthly

\$

(check all that apply)

I receive the following public assistance:

☐ TANF (Temporary Assistance for Needy Families)☐ Supplemental Security Income (SSI)☐ Social Security Disability Insurance (SSDI)☐ SNAP/Food Stamps☐ Veterans' Benefits☐ I have been homeless in the past 6 months☐ I have been incarcerated on an active sentence in the past 6 months☐ I am under 18☐ I am a full-time student

Use the space below to provide any additional information about other circumstances the court should consider when evaluating your ability to pay, such as a disability or illness, a change in work hours, or other support obligations or significant expenses:

REQUEST/MOTION

Based on the information presented above, I make the following request(s): (check all that apply)

- ☐ That the Court allow relief from all costs, fines, fees, and restitution, to the extent allowed by law.
- ☐ That I be given until at least _____ (enter date) to pay any imposed monetary obligation.
- ☐ A payment plan requiring a total money payment of no more than \$ _____ per month.

Under penalty of perjury, I declare that the information on this form is true and correct to the best of my knowledge.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date	Name (type or print)	Date	Name Of Defendant (type or print)
<input type="checkbox"/> Notary	Signature	Signature Of Defendant	
SEAL	Date Commission Expires	County Where Notarized	
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court	
<input type="checkbox"/> District Court Judge	<input type="checkbox"/> Superior Court Judge	<input type="checkbox"/> Magistrate	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Request was served on the date below upon the District Attorney for the above-captioned county by:

- ☐ hand delivery to (name) _____
- ☐ leaving a copy with an employee of the District Attorney.

Name Of Person With Whom Copy Left (type or print) _____

- ☐ by depositing a copy in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to the District Attorney's office.
- ☐ by email to the District Attorney at _____ (email address).

NOTE: Service by email upon counsel must be to an email address of record with the court. Service by email upon a party is permitted only if the party has consented to receive email service at a particular address, and that consent is filed with the court. Service by email sent after 5:00 PM Eastern Time on a regular business day will be deemed sent on the next business day.

- ☐ by telefacsimile (fax) to the District Attorney's office at _____ (fax number), as evidenced by fax receipt confirmation, attached. **NOTE:** Service by fax received after 5:00 PM Eastern Time on a regular business day will be deemed completed on the next business day.
- ☐ acceptance of service.

Date Service Accepted	Name Of Person Accepting Service (type or print)	Signature	Title
Date	Name Of Person Serving (type or print)	Signature Of Person Serving	<input type="checkbox"/> Defendant <input type="checkbox"/> Defendant's Attorney <input type="checkbox"/> Other: _____

ORDER ON REQUEST FOR RELIEF

NOTE TO COURT: If this motion is made at or before sentencing and some relief is granted from monetary obligations that otherwise would be imposed in the judgment of conviction/responsibility, this ORDER should not be used to impose those obligations. Monetary obligations should be imposed in the actual judgment. Any findings or conclusions of law necessary to reduced or waived monetary obligations can be made (i) in the judgment or, (ii) if made here or on another instrument, incorporated in the judgment by reference.

Having considered the record in the above-captioned case, the evidence presented, and any statements of the State and the defendant, the Court hereby finds based on the defendant's ability to pay that (check one)

☐ 1. the relief requested is not appropriate at this time. Any monetary obligations previously imposed in a judgment of the court remain in effect and as originally ordered.

☐ 2. there is good and just cause to grant the motion in whole or in part and therefore orders: (Specify in the space below the substance of the relief granted and any additional findings and conclusions of law necessary to that relief.)

See attached ☐ AOC-CR-305, ☐ Other: _____, incorporated herein by reference.

SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
------	---	------------------------------

§ 20-28. Unlawful to drive while license revoked, after notification, or while disqualified.

(a) **Driving While License Revoked.** – Except as provided in subsections (a1) or (a2) of this section, any person whose drivers license has been revoked who drives any motor vehicle upon the highways of the State while the license is revoked is **guilty of a Class 3 misdemeanor.**

(a1) **Driving While License Revoked for Impaired Driving.** – Any person whose drivers license has been revoked for an impaired driving revocation as defined in G.S. 20-28.2(a) and who drives any motor vehicle upon the highways of the State is guilty of a **Class 1 misdemeanor.** Upon conviction, the person's license shall be revoked for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense.

If the person's license was originally revoked for an impaired driving revocation, the court may order as a condition of probation that the offender abstain from alcohol consumption and verify compliance by use of a continuous alcohol monitoring system, of a type approved by the Division of Community Supervision and Reentry of the Department of Adult Correction, for a minimum period of 90 days.

The restoree of a revoked drivers license who operates a motor vehicle upon the highways of the State without maintaining financial responsibility as provided by law shall be punished as for driving without a license.

(a2) **Driving Without Reclaiming License.** – A person convicted under subsection (a) or (a1) of this section shall be punished as if the person had been convicted of driving without a license under G.S. 20-35 if the person demonstrates to the court that either of the following is true:

- (1) At the time of the offense, the person's license was revoked solely under G.S. 20-16.5 and one of the following applies:
- a. The offense occurred more than 45 days after the effective date of a revocation order issued under G.S. 20-16.5(f) and the period of revocation was 45 days as provided under subdivision (3) of that subsection; or
 - b. The offense occurred more than 30 days after the effective date of the revocation order issued under any other provision of G.S. 20-16.5.
- (2) At the time of the offense the person had met the requirements of G.S. 50-13.12, or G.S. 110-142.2 and was eligible for reinstatement of the person's drivers license privilege as provided therein.

civil
revocation

In addition, a person punished under this subsection shall be treated for drivers license and insurance rating purposes as if the person had been convicted of driving without a license under G.S. 20-35, and the conviction report sent to the Division must indicate that the person is to be so treated.

(a3) **Driving After Notification or Failure to Appear.** – A person shall be guilty of a Class 1 misdemeanor if:

- (1) The person operates a motor vehicle upon a highway while that person's license is **revoked for an impaired drivers license revocation after the Division has sent notification in accordance with G.S. 20-48; or**
- ✱ (2) **The person fails to appear for two years from the date of the charge after being charged with an implied-consent offense.**

Upon conviction, the person's drivers license shall be revoked for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense. The restoree of a revoked drivers license who operates a motor vehicle upon the highways of the State without maintaining financial responsibility as provided by law shall be punished as for driving without a license.

(b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 3.

(c) **When Person May Apply for License.** – A person whose license has been revoked may apply for a license as follows:

- (1) If revoked under subsection (a1) of this section for one year, the person may apply for a license after 90 days.
- (2) If punished under subsection (a2) of this section and the original revocation was pursuant to G.S. 20-16.5, in order to obtain reinstatement of a drivers license, the person must obtain a substance abuse assessment and show proof of financial responsibility to the Division. If the assessment recommends education or treatment, the person must complete the education or treatment within the time limits specified by the Division.
- (3) If revoked under subsection (a3) of this section for one year, the person may apply for a license after one year.
- (4) If revoked under this section for two years, the person may apply for a license after one year.
- (5) If revoked under this section permanently, the person may apply for a license after three years.

(c1) Upon the filing of an application the Division may, with or without a hearing, issue a new license upon satisfactory proof that the former licensee has not been convicted of a moving violation under this Chapter or the laws of another state, a violation of any provision of the alcoholic beverage laws of this State or another state, or a violation of any provisions of the drug laws of this State or another state when any of these violations occurred during the revocation period. For purposes of this subsection, a violation of subsection (a) of this section shall not be considered a moving violation.

(c2) The Division may impose any restrictions or conditions on the new license that the Division considers appropriate for the balance of the revocation period. When the revocation period is permanent, the restrictions and conditions imposed by the Division may not exceed three years.

(c3) A person whose license is revoked for violation of subsection (a1) of this section where the person's license was originally revoked for an impaired driving revocation, or a person whose license is revoked for a violation of subsection (a3) of this section, may only have the license conditionally restored by the Division pursuant to the provisions of subsection (c4) of this section.

(c4) **For a conditional restoration under subsection (c3)** of this section, the Division shall require at a minimum that the driver obtain a substance abuse assessment prior to issuance of a license and show proof of financial responsibility. If the substance abuse assessment recommends education or treatment, the person must complete the education or treatment within the time limits specified. If the assessment determines that the person abuses alcohol, the Division shall require the person to install and use an ignition interlock system on any vehicles that are to be driven by that person for the period of time that the conditional restoration is active.

(c5) For licenses conditionally restored pursuant to subsections (c3) and (c4) of this section, the Division shall cancel the license and impose the remaining revocation period if any of the following occur:

- (1) The person violates any condition of the restoration.
- (2) The person is convicted of any moving offense in this or another state.
- (3) The person is convicted for a violation of the alcoholic beverage or controlled substance laws of this or any other state.

(d) **Driving While Disqualified.** – A person who was convicted of a violation that disqualified the person and required the person's drivers license to be revoked who drives a motor vehicle during the revocation period is punishable as provided in subsection (a1) of this section. A person who has been disqualified who drives a commercial motor vehicle during the

disqualification period is guilty of a Class 1 misdemeanor and is disqualified for an additional period as follows:

- (1) For a first offense of driving while disqualified, a person is disqualified for a period equal to the period for which the person was disqualified when the offense occurred.
- (2) For a second offense of driving while disqualified, a person is disqualified for a period equal to two times the period for which the person was disqualified when the offense occurred.
- (3) For a third offense of driving while disqualified, a person is disqualified for life.

The Division may reduce a disqualification for life under this subsection to 10 years in accordance with the guidelines adopted under G.S. 20-17.4(b). A person who drives a commercial motor vehicle while the person is disqualified and the person's drivers license is revoked is punishable for both driving while the person's license was revoked and driving while disqualified. (1935, c. 52, s. 22; 1945, c. 635; 1947, c. 1067, s. 16; 1955, c. 1020, s. 1; c. 1152, s. 18; c. 1187, s. 20; 1957, c. 1046; 1959, c. 515; 1967, c. 447; 1973, c. 47, s. 2; cc. 71, 1132; 1975, c. 716, s. 5; 1979, c. 377, ss. 1, 2; c. 667, s. 41; 1981, c. 412, s. 4; c. 747, s. 66; 1983, c. 51; 1983 (Reg. Sess., 1984), c. 1101, s. 18A; 1989, c. 771, s. 4; 1991, c. 509, s. 2; c. 726, s. 12; 1993, c. 539, ss. 320-322; 1994, Ex. Sess., c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 761, ss. 2, 3; 1995, c. 538, s. 2(e), (f); 2002-159, s. 6; 2006-253, s. 22.1; 2007-493, ss. 4, 19; 2012-146, s. 8; 2013-360, s. 18B.14(f); 2015-186, s. 2; 2015-264, ss. 38(a), 86; 2017-186, s. 2(kkkk); 2021-180, s. 19C.9(t).)

§ 20-28.1. Conviction of moving offense committed while driving during period of suspension or revocation of license.

(a) Upon receipt of notice of conviction of any person of a motor vehicle moving offense, such offense having been committed while such person's driving privilege was in a state of suspension or revocation, the Division shall revoke such person's driving privilege for an additional period of time as set forth in subsection (b) hereof. For purposes of this section a violation of G.S. 20-7(a), 20-24.1, or 20-28(a) or (a2) shall not be considered a "motor vehicle moving offense" unless the offense occurred in a commercial motor vehicle or the person held a commercial drivers license at the time of the offense.

(b) When a driving privilege is subject to revocation under this section, the additional period of revocation shall be as follows:

- (1) A first such revocation shall be for one year;
- (2) A second such revocation shall be for two years; and
- (3) A third or subsequent such revocation shall be permanent.

(c) A person whose license has been revoked under this section for one year may apply for a license after 90 days. A person whose license has been revoked under this section for two years may apply for a license after 12 months. A person whose license has been revoked under this section permanently may apply for a license after three years. Upon the filing of an application, the Division may, with or without a hearing, issue a new license upon satisfactory proof that the former licensee has not been convicted of a moving violation under this Chapter or the laws of another state, or a violation of any provision of the alcoholic beverage laws of this State or another state, or a violation of any provision of the drug laws of this State or another state when any of these violations occurred during the revocation period. The Division may impose any restrictions or conditions on the new license that the Division considers appropriate for the balance of the revocation period. When the revocation period is permanent, the restrictions and conditions imposed by the Division may not exceed three years.

(d) Repealed by Session Laws 1979, c. 378, s. 2. (1965, c. 286; 1969, c. 348; 1971, c. 163; 1973, c. 47, s. 2; 1975, c. 716, s. 5; 1979, c. 378, ss. 1, 2; 1981, c. 412, s. 4; c. 747, s. 66; 1991, c. 509, s. 1; c. 682, s. 6; c. 726, s. 22.1; 2015-186, s. 3; 2015-264, s. 86.)

MY ADVICE FOR CLIENTS IS TO
PETITION UNDER §20-20.1 FOR
A LDP

MAY VS. MUST

MY ADVISE FOR CLIENTS IS TO
PETITION UNDER § 50-50.1 FOR

A LOP

MAY vs T2NM

§ 20-20.1. Limited driving privilege for certain revocations.

(a) Definitions. - The following definitions apply in this section:

- (1) Limited driving privilege. - A judgment issued by a court authorizing a person with a revoked drivers license to drive under specified terms and conditions.
- (2) Nonstandard working hours. - Anytime other than 6:00 A.M. until 8:00 P.M. on Monday through Friday.
- (3) Standard working hours. - Anytime from 6:00 A.M. until 8:00 P.M. on Monday through Friday.
- (4) Underlying offense. - The offense for which a person's drivers license was revoked when the person was charged under G.S. 20-28(a), driving with a revoked license, or under G.S. 20-28.1, committing a motor vehicle moving offense while driving with a revoked license.

(b) Eligibility. - A person is eligible to apply for a limited driving privilege under this section if all of the following conditions apply:

- (1) The person's license is currently revoked under G.S. 20-28(a) or G.S. 20-28.1.
- (2) The person has complied with the revocation for the period required in subsection (c) of this section immediately preceding the date the person files a petition for a limited driving privilege under this section.
- (3) The person's underlying offense is not an offense involving impaired driving and, if the person's license is revoked under G.S. 20-28.1 for committing a motor vehicle moving offense while driving with a revoked license, the moving offense is not an offense involving impaired driving.
- (4) The revocation period for the underlying offense has expired.
- (5) The revocation under G.S. 20-28(a) or G.S. 20-28.1 is the only revocation in effect.
- (6) The person is not eligible to receive a limited driving privilege under any other law.
- (7) The person has not held a limited driving privilege issued under this section at anytime during the three years prior to the date the person files the current petition.
- (8) The person has no pending charges for any motor vehicle offense in this or in any other state and has no unpaid motor vehicle fines or penalties in this or in any other state.

(9) The person's drivers license issued by another state has not been revoked by that state.

(10) G.S. 20-9(e) or G.S. 20-9(f) does not prohibit the Division from issuing the person a license.

(c) Compliance Period. - The following table sets out the period during which a person must comply with a revocation under G.S. 20-28(a) or G.S. 20-28.1 to be eligible for a limited driving privilege under this section:

Revocation Period Compliance Period

1 Year 90 Days

2 Years 1 Year

Permanent 2 Years

(d) Petition. - A person may apply for a limited driving privilege under this section by filing a petition. A petition filed under this section is separate from the action that resulted in the initial revocation and is a civil action. A petition must be filed in district court in the county of the person's residence as reflected by the Division's records or, if the Division's records are inaccurate, in the county of the person's actual residence. A person must attach to a petition a copy of the person's motor vehicle record. A petition must include a sworn statement that the person filing the petition is eligible for a limited driving privilege under this section.

A court, for good cause shown, may issue a limited driving privilege to an eligible person in accordance with this section. The costs required under G.S. 7A-305(a) and G.S. 20-20.2 apply to a petition filed under this section. The clerk of court for the court that issues a limited driving privilege under this section must send a copy of the limited driving privilege to the Division.

(e) Scope of Privilege. - A limited driving privilege restricts the person to essential driving related to one or more of the purposes listed in this subsection. Any driving that is not related to the purposes authorized in this subsection is unlawful even though done at times and upon routes that may be authorized by the privilege. Except as otherwise provided, all driving must be for a purpose and done within the restrictions specified in the privilege.

The permissible purposes for a limited driving privilege are:

- (1) Travel to and from the person's place of employment and in the course of employment.
- (2) Travel necessary for maintenance of the person's household.
- (3) Travel to provide emergency medical care for the person or for an immediate family member of the person who resides in the same household with the person. Driving related to emergency medical care is authorized at anytime and without restriction as to routes.

(f) Employment Driving in Standard Working Hours. - The court may authorize driving for employment-related purposes during standard working hours without specifying times and routes for the driving. If the person is required to drive for

essential employment-related purposes only during standard working hours, the limited driving privilege must prohibit driving during nonstandard working hours unless the driving is for emergency medical care or for authorized household maintenance. The limited driving privilege must state the name and address of the person's employer and may, in the discretion of the court, include other information and restrictions applicable to employment-related driving.

(g) Employment Driving in Nonstandard Working Hours. - If a person is required to drive during nonstandard working hours for an essential employment-related purpose and the person provides documentation of that fact to the court, the court may authorize the person to drive for that purpose during those hours. If the person is self-employed, the documentation must be attached to or made a part of the limited driving privilege. If the person is employed by another, the limited driving privilege must state the name and address of the person's employer and may, in the discretion of the court, include other information and restrictions applicable to employment-related driving. If the court determines that it is necessary for the person to drive during nonstandard working hours for an employment-related purpose, the court may authorize the person to drive subject to these limitations:

- (1) If the person is required to drive to and from a specific place of employment at regular times, the limited driving privilege must specify the general times and routes by which the person may drive to and from work and must restrict driving to those times and routes.
- (2) If the person is required to drive to and from work at a specific place but is unable to specify the times during which the driving will occur, the limited driving privilege must specify the general routes by which the person may drive to and from work and must restrict driving to those general routes.
- (3) If the person is required to drive to and from work at regular times but is unable to specify the places at which work is to be performed, the limited driving privilege must specify the general times and geographic boundaries within which the person may drive and must restrict driving to those times and boundaries.
- (4) If the person can specify neither the times nor places in which the person will be driving to and from work, the limited driving privilege must specify the geographic boundaries within which the person may drive and must restrict driving to those boundaries.

(h) Household Maintenance. - A limited driving privilege may allow driving for maintenance of the household only during standard working hours. The court, at its

discretion, may impose additional restrictions on driving for the maintenance of the household.

(i) Restrictions. - A limited driving privilege that is not authorized by this section or that does not contain the restrictions required by law is invalid. A limited driving privilege issued under this section is subject to the following conditions:

- (1) Financial responsibility. - A person applying for a limited driving privilege under this section must provide the court proof of financial responsibility acceptable under G.S. 20-16.1(g) and must maintain the financial responsibility during the period of the limited driving privilege.
- (2) Alcohol restrictions. - A person who received a limited driving privilege under this section may not consume alcohol while driving or drive at anytime while the person has remaining in the person's body any alcohol or controlled substance previously consumed, unless the controlled substance was lawfully obtained and taken in therapeutically appropriate amounts.
- (3) Others. - The court may impose any other reasonable restrictions or conditions necessary to achieve the purposes of this section.

(j) Term and Reinstatement. - The term of a limited driving privilege issued under this section is the shorter of one year or the length of time remaining in the revocation period imposed under G.S. 20-28(a) or G.S. 20-28.1. **When the term of the limited driving privilege expires, the Division must reinstate the person's license if the person meets all of the conditions listed in this subsection.** The Division may impose restrictions or conditions on the new license in accordance with G.S. 20-7(e). The conditions are:

- (1) Payment of the restoration fee as required under G.S. 20-7(i1).
- (2) Providing proof of financial responsibility as required under G.S. 20-7(c1).
- (3) Providing the proof required for reinstatement of a license under G.S. 20-28(c1).

(k) Modification. - A court may modify or revoke a person's limited driving privilege issued under this section upon a showing that the circumstances have changed sufficiently to justify modification or revocation. If the judge who issued the privilege is not presiding in the court in which the privilege was issued, a presiding judge in that court may modify or revoke the privilege. The judge must indicate in the order of modification or revocation the reasons for the order or make specific findings indicating the reason for the order and enter those findings in the record of

the case. When a court issues an order of modification or revocation, the clerk of court must send a copy of the order to the Division.

(l) Effect of Violation. - A violation of a limited driving privilege issued under this section constitutes the offense of driving while license revoked under G.S. 20-28. When a person is charged with operating a motor vehicle in violation of the limited driving privilege, the limited driving privilege is suspended pending the final disposition of the charge. (2007-293, s. 1; 2007-323, s. 30.11(d); 2007-345, s. 9.1(c); 2008-118, s. 2.9(b).)

§ 20-19. Period of suspension or revocation; conditions of restoration.

(a) When a license is suspended under subdivision (8) or (9) of G.S. 20-16(a), the period of suspension shall be in the discretion of the Division and for such time as it deems best for public safety but shall not exceed six months.

(b) When a license is suspended under subdivision (10) of G.S. 20-16(a), the period of suspension shall be in the discretion of the Division and for such time as it deems best for public safety but shall not exceed a period of 12 months.

(c) When a license is suspended under any other provision of this Article which does not specifically provide a period of suspension, the period of suspension shall be not more than one year.

(c1) When a license is revoked under subdivision (2) of G.S. 20-17, and the period of revocation is not determined by subsection (d) or (e) of this section, the period of revocation is one year.

(c2) When a license is suspended under G.S. 20-17(a)(14), the period of revocation for a first conviction shall be for 10 days. For a second or subsequent conviction as defined in G.S. 20-138.2B(d), the period of revocation shall be one year.

(c3) **Restriction; Revocations.** - When the Division restores a person's drivers license which was revoked pursuant to G.S. 20-13.2(a), G.S. 20-23 when the offense involved impaired driving, G.S. 20-23.2, subdivision (2) of G.S. 20-17(a), subdivision (1) or (9) of G.S. 20-17(a) when the offense involved impaired driving, G.S. 20-138.5(d), or this subsection, in addition to any other restriction or condition, it shall place the applicable restriction on the person's drivers license as follows:

- (1) For the first restoration of a drivers license for a person convicted of driving while impaired, G.S. 20-138.1, or a drivers license revoked pursuant to G.S. 20-23 or G.S. 20-23.2 when the offense for which the person's license was revoked prohibits substantially similar conduct which if committed in this State would result in a conviction of driving while impaired under G.S. 20-138.1, that the person not operate a vehicle with an alcohol concentration of 0.04 or more at any relevant time after the driving.
- (2) For the second or subsequent restoration of a drivers license for a person convicted of driving while impaired, G.S. 20-138.1, or a drivers license revoked pursuant to G.S. 20-23 or G.S. 20-23.2 when the offense for which the person's license was revoked prohibits substantially similar conduct which if committed in this State would result in a conviction of driving while impaired under G.S. 20-138.1, that the person not operate a vehicle with an alcohol concentration greater than 0.00 at any relevant time after the driving.
- (3) For any restoration of a drivers license for a person convicted of driving while impaired in a commercial motor vehicle, G.S. 20-138.2, habitual impaired driving, G.S. 20-138.5, felony death by vehicle, G.S. 20-141.4(a1), manslaughter or negligent homicide resulting from the operation of a motor vehicle when the offense involved impaired driving, or a revocation under this subsection, that the person not operate a vehicle with an alcohol concentration of greater than 0.02 at any relevant time after the driving.
- (3a) For any restoration of a drivers license (i) for a person convicted of driving while less than 21 years old after consuming alcohol or drugs, G.S. 20-138.3, or (ii) revoked pursuant to G.S. 20-23 or G.S. 20-23.2 when the offense for which the person's license was revoked prohibits substantially similar conduct which if committed in this State would result in a conviction of driving while less than 21 years old after consuming alcohol or drugs, G.S. 20-138.3, that the person not operate a vehicle with an alcohol concentration of greater than 0.00 at any relevant time after the driving.
- (4) For any restoration of a drivers license revoked pursuant to G.S. 20-23 or G.S. 20-23.2 when the offense for which the person's license was revoked prohibits substantially similar conduct which if committed in this State would result in a conviction of driving while impaired in a commercial motor vehicle, G.S. 20-138.2, driving while less than 21 years old after consuming alcohol or drugs, G.S. 20-138.3, a violation of G.S. 20-141.4, or manslaughter or negligent homicide resulting from the operation of a motor vehicle when the offense involved impaired driving, that the person not operate a vehicle with an alcohol concentration of greater than 0.00 at any relevant time after the driving.
- (5) For any restoration of a drivers license pursuant to G.S. 20-17.8 requiring an ignition interlock system, that the person not operate a vehicle with an alcohol concentration of 0.02 or more at any relevant time after the driving during the period that the ignition interlock is required.

In addition, the person seeking restoration of a license must agree to submit to a chemical analysis in accordance with G.S. 20-16.2 at the request of a law enforcement officer who has reasonable grounds to believe the person is operating a motor vehicle on a highway or public vehicular area while consuming alcohol or at any time while the

person has remaining in the person's body any alcohol or controlled substance previously consumed. The person must also agree that, when requested by a law enforcement officer, the person will agree to be transported by the law enforcement officer to the place where chemical analysis is to be administered.

The restrictions placed on a license under this subsection shall be in effect (i) seven years from the date of restoration if the person's license was permanently revoked, (ii) until the person's twenty-first birthday if the revocation was for a conviction under G.S. 20-138.3, and (iii) three years in all other cases.

A law enforcement officer who has reasonable grounds to believe that a person has violated a restriction placed on the person's drivers license shall complete an affidavit pursuant to G.S. 20-16.2(c1). On the basis of information reported pursuant to G.S. 20-16.2, the Division shall revoke the drivers license of any person who violates a condition of reinstatement imposed under this subsection. An alcohol concentration report from an ignition interlock system shall not be used as the basis for revocation under this subsection. A violation of a restriction imposed under this subsection or the willful refusal to submit to a chemical analysis shall result in a one-year revocation. If the period of revocation was imposed pursuant to subsection (d) or (e), or G.S. 20-138.5(d), any remaining period of the original revocation, prior to its reduction, shall be reinstated and the one-year revocation begins after all other periods of revocation have terminated.

(c4) Applicable Procedures. - When a person has violated a condition of restoration by refusing a chemical analysis, the notice and hearing procedures of G.S. 20-16.2 apply. When a person has submitted to a chemical analysis and the results show a violation of the alcohol concentration restriction, the notification and hearing procedures of this section apply.

(c5) Right to Hearing Before Division; Issues. - Upon receipt of a properly executed affidavit required by G.S. 20-16.2(c1), the Division must expeditiously notify the person charged that the person's license to drive is revoked for the period of time specified in this section, effective on the thirtieth calendar day after the mailing of the revocation order unless, before the effective date of the order, the person requests in writing a hearing before the Division. Except for the time referred to in G.S. 20-16.5, if the person shows to the satisfaction of the Division that the person's license was surrendered to the court and remained in the court's possession, then the Division shall credit the amount of time for which the license was in the possession of the court against the revocation period required by this section. If the person properly requests a hearing, the person retains the person's license, unless it is revoked under some other provision of law, until the hearing is held, the person withdraws the request, or the person fails to appear at a scheduled hearing. The hearing officer may subpoena any witnesses or documents that the hearing officer deems necessary. The person may request the hearing officer to subpoena the charging officer, the chemical analyst, or both to appear at the hearing if the person makes the request in writing at least three days before the hearing. The person may subpoena any other witness whom the person deems necessary, and the provisions of G.S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under the authority of this section. The hearing officer is authorized to administer oaths to witnesses appearing at the hearing. The hearing must be conducted in the county where the charge was brought, and must be limited to consideration of whether all of the following conditions exist:

- (1) The charging officer had reasonable grounds to believe that the person had violated the alcohol concentration restriction.
- (2) The person was notified of the person's rights as required by G.S. 20-16.2(a).
- (3) The drivers license of the person had an alcohol concentration restriction.
- (4) The person submitted to a chemical analysis upon the request of the charging officer, and the analysis revealed an alcohol concentration in excess of the restriction on the person's drivers license.

If the Division finds that the conditions specified in this subsection are met, it must order the revocation sustained. If the Division finds that any of the conditions (1), (2), (3), or (4) is not met, it must rescind the revocation. If the revocation is sustained, the person must surrender the person's license immediately upon notification by the Division.

(c6) Appeal to Court. - There is no right to appeal the decision of the Division. However, if the person properly requested a hearing before the Division under subsection (c5) and the Division held such a hearing, the person may within 30 days of the date the Division's decision is mailed to the person, petition the superior court of the county in which the hearing took place for discretionary review on the record of the revocation. The superior court may stay the imposition of the revocation only if the court finds that the person is likely to succeed on the merits of the case and will suffer irreparable harm if such a stay is not granted. The stay shall not exceed 30 days. The reviewing court shall review the record only and shall be limited to determining if the Division hearing officer followed proper procedures and if the hearing officer made sufficient findings of fact to support the revocation. There shall be no further appeal.

(d) When a person's license is revoked under (i) G.S. 20-17(a)(2) and the person has another offense involving impaired driving for which the person has been convicted, which offense occurred within three years immediately preceding the date of the offense for which the person's license is being revoked, or (ii) G.S. 20-17(a)(9) due to a violation of G.S. 20-141.4(a3), the period of revocation is four years, and this period may be reduced only as provided

in this section. The Division may conditionally restore the person's license after it has been revoked for at least two years under this subsection if the person provides the Division with satisfactory proof that both of the following requirements are met:

- (1) The person has not in the period of revocation been convicted in North Carolina or any other state or federal jurisdiction of a motor vehicle offense, an alcoholic beverage control law offense, a drug law offense, or any other criminal offense involving the possession or consumption of alcohol or drugs.
- (2) The person is not currently an excessive user of alcohol, drugs, or prescription drugs, or unlawfully using any controlled substance. The person may voluntarily submit themselves to continuous alcohol monitoring for the purpose of proving abstinence from alcohol consumption during a period of revocation immediately prior to the restoration consideration. All of the following requirements apply when providing proof that the requirement set forth in this subdivision has been met:
 - a. Monitoring periods of 120 days or longer shall be accepted by the Division as evidence of abstinence if the Division receives sufficient documentation that reflects that the person abstained from alcohol use during the monitoring period.
 - b. The continuous alcohol monitoring system shall be a system approved under G.S. 15A-1343.3.
 - c. The Division may establish guidelines for the acceptance of evidence of abstinence under this subdivision.

If the Division restores the person's license, it may place reasonable conditions or restrictions on the person for the duration of the original revocation period.

(e) When a person's license is revoked under (i) G.S. 20-17(a)(2) and the person has ^{3+ DWI's} two or more previous offenses involving impaired driving for which the person has been convicted, and the most recent offense occurred within the five years immediately preceding the date of the offense for which the person's license is being revoked, (ii) G.S. 20-17(a)(2) and the person was sentenced pursuant to G.S. 20-179(f3) for the offense resulting in the revocation, or (iii) G.S. 20-17(a)(9) due to a violation of G.S. 20-141.4(a4), the revocation is permanent.

(e1) Notwithstanding subsection (e) of this section, the Division may conditionally restore the license of a person to whom subsection (e) applies after it has been revoked for at least three years under subsection (e) if the person provides the Division with satisfactory proof of all of the following:

- (1) In the three years immediately preceding the person's application for a restored license, the person has not been convicted in North Carolina or in any other state or federal court of a motor vehicle offense, an alcoholic beverage control law offense, a drug law offense, or any criminal offense involving the consumption of alcohol or drugs.
- (2) The person is not currently an excessive user of alcohol, drugs, or prescription drugs, or unlawfully using any controlled substance. The person may voluntarily submit themselves to continuous alcohol monitoring for the purpose of proving abstinence from alcohol consumption during a period of revocation immediately prior to the restoration consideration. All of the following requirements apply when providing proof that the requirement set forth in this subdivision has been met:
 - a. Monitoring periods of 120 days or longer shall be accepted by the Division as evidence of abstinence if the Division receives sufficient documentation that reflects that the person abstained from alcohol use during the monitoring period.
 - b. The continuous alcohol monitoring system shall be a system approved under G.S. 15A-1343.3.
 - c. The Division may establish guidelines for the acceptance of evidence of abstinence under this subdivision.

(e2) Notwithstanding subsection (e) of this section, the Division may conditionally restore the license of a person to whom subsection (e) applies after it has been revoked for at least 24 months under G.S. 20-17(a)(2) if the person provides the Division with satisfactory proof of all of the following:

- (1) The person has not consumed any alcohol for the 12 months preceding the restoration while being monitored by a continuous alcohol monitoring device of a type approved by the Division of Community Supervision and Reentry of the Department of Adult Correction.
- (2) The person has not in the period of revocation been convicted in North Carolina or any other state or federal jurisdiction of a motor vehicle offense, an alcoholic beverage control law offense, a drug law offense, or any other criminal offense involving the possession or consumption of alcohol or drugs.
- (3) The person is not currently an excessive user of drugs or prescription drugs.
- (4) The person is not unlawfully using any controlled substance.

(e3) If the Division restores a person's license under subsection (e1), (e2), or (e4) of this section, it may place reasonable conditions or restrictions on the person for any period up to five years from the date of restoration.

(e4) When a person's license is revoked under G.S. 20-138.5(d), the Division may conditionally restore the license of that person after it has been revoked for at least 10 years after the completion of any sentence imposed by the court, if the person provides the Division with satisfactory proof of all of the following: **HABITUAL DWI**

- (1) In the 10 years immediately preceding the person's application for a restored license, the person has not been convicted in North Carolina or in any other state or federal court of a motor vehicle offense, an alcohol beverage control law offense, a drug law offense, or any other criminal offense.
- (2) The person is not currently a user of alcohol, unlawfully using any controlled substance, or an excessive user of prescription drugs.

(f) When a license is revoked under any other provision of this Article which does not specifically provide a period of revocation, the period of revocation shall be one year.

(g) When a license is suspended under subdivision (11) of G.S. 20-16(a), the period of suspension shall be for a period of time not in excess of the period of nonoperation imposed by the court as a condition of the suspended sentence; further, in such case, it shall not be necessary to comply with the Motor Vehicle Safety and Financial Responsibility Act in order to have such license returned at the expiration of the suspension period.

(g1) When a license is revoked under subdivision (12) of G.S. 20-17, the period of revocation is six months for conviction of a second offense and one year for conviction of a third or subsequent offense.

(g2) When a license is revoked under G.S. 20-17(a)(16), the period of revocation is 90 days for a second conviction and six months for a third or subsequent conviction. The term "second or subsequent conviction" shall have the same meaning as found in G.S. 20-17(a)(16).

(g3) When a license is revoked under G.S. 20-17(a)(17), the period of revocation shall be not less than one year.

(h) Repealed by Session Laws 1983, c. 435, s. 17.

(i) When a person's license is revoked under G.S. 20-17(a)(1) or G.S. 20-17(a)(9), and the offense is one involving impaired driving and a fatality, the revocation is permanent. The Division may, however, conditionally restore the person's license after it has been revoked for at least five years under this subsection if the person provides the Division with satisfactory proof that both of the following requirements are met:

- (1) In the five years immediately preceding the person's application for a restored license, the person has not been convicted in North Carolina or in any other state or federal court of a motor vehicle offense, an alcohol beverage control law offense, a drug law offense, or any criminal offense involving the consumption of alcohol or drugs.
- (2) The person is not currently an excessive user of alcohol or drugs.

If the Division restores the person's license, it may place reasonable conditions or restrictions on the person for any period up to seven years from the date of restoration.

(j) The Division is authorized to issue amended revocation orders issued under subsections (d) and (e), if necessary because convictions do not respectively occur in the same order as offenses for which the license may be revoked under those subsections.

(k) Before the Division restores a driver's license that has been suspended or revoked under G.S. 20-138.5(d), or under any provision of this Article, other than G.S. 20-24.1, the person seeking to have the person's driver's license restored shall submit to the Division proof that the person has notified the person's insurance agent or company that the person is seeking the restoration and that the person is financially responsible. Proof of financial responsibility shall be in one of the following forms:

- (1) A written certificate or electronically-transmitted facsimile thereof from any insurance carrier duly authorized to do business in this State certifying that there is in effect a nonfleet private passenger motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. The certificate or facsimile shall state the effective date and expiration date of the nonfleet private passenger motor vehicle liability policy and shall state the date that the certificate or facsimile is issued. The certificate or facsimile shall remain effective proof of financial responsibility for a period of 30 consecutive days following the date the certificate or facsimile is issued but shall not in and of itself constitute a binder or policy of insurance.
- (2) A binder for or policy of nonfleet private passenger motor vehicle liability insurance under which the applicant is insured, provided that the binder or policy states the effective date and expiration date of the nonfleet private passenger motor vehicle liability policy.

Subdivisions (1) and (2) of this subsection do not apply to applicants who do not own currently registered motor vehicles and who do not operate nonfleet private passenger motor vehicles that are owned by other persons and that are not insured under commercial motor vehicle liability insurance policies. In such cases, the applicant shall sign a written certificate to that effect. Such certificate shall be furnished by the Division and may be incorporated into the restoration

application form. Any material misrepresentation made by such person on such certificate shall be grounds for suspension of that person's license for a period of 90 days.

For the purposes of this subsection, the term "nonfleet private passenger motor vehicle" has the definition ascribed to it in Article 40 of General Statute Chapter 58.

The Commissioner may require that certificates required by this subsection be on a form approved by the Commissioner. The financial responsibility required by this subsection shall be kept in effect for not less than three years after the date that the license is restored. Failure to maintain financial responsibility as required by this subsection shall be grounds for suspending the restored driver's license for a period of 30 days. Nothing in this subsection precludes any person from showing proof of financial responsibility in any other manner authorized by Articles 9A and 13 of this Chapter. (1935, c. 52, s. 13; 1947, c. 1067, s. 15; 1951, c. 1202, ss. 2-4; 1953, c. 1138; 1955, c. 1187, ss. 13, 17, 18; 1957, c. 499, s. 2; c. 515, s. 1; 1959, c. 1264, s. 11A; 1969, c. 242; 1971, c. 619, ss. 8-10; 1973, c. 1445, ss. 1-4; 1975, c. 716, s. 5; 1979, c. 903, ss. 4-6; 1981, c. 412, s. 4; c. 747, ss. 34, 66; 1983, c. 435, s. 17; 1983 (Reg. Sess., 1984), c. 1101, s. 18; 1987, c. 869, s. 12; 1987 (Reg. Sess., 1988), c. 1112; 1989, c. 436, s. 5; c. 771, s. 18; 1995, c. 506, s. 8; 1998-182, s. 21; 1999-406, s. 2; 1999-452, ss. 11, 12; 2000-140, ss. 3, 4; 2000-155, s. 6; 2001-352, s. 4; 2007-165, ss. 1(a), (b); 2007-493, ss. 11-14; 2008-187, s. 9; 2009-99, s. 1; 2009-369, ss. 1-4; 2009-500, ss. 1, 2; 2011-145, s. 19.1(h); 2011-191, s. 2; 2014-115, s. 61.5; 2017-176, s. 2(b); 2017-186, s. 2(jjjj); 2021-128, s. 3; 2021-134, s. 9(c); 2021-180, s. 19C.9(t); 2021-182, s. 1(d); 2021-185, s. 11.)

