

Driving Records & License Restoration



2025 MISDEMEANOR DEFENDER TRAINING
November 14, 2025

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Driving Record

Reference: 05500000DV
 Msg Key : QDF
 Date/Time: 20180420152918
 Source : DMVISS

05500000DV.DMVISS.QDF.20180420152918.
 TO: CHI2 -207431 20180420 15:29:18 18B470BE84
 FROM: DMVISS 20180420 15:29:15
 N.C. DRIVER LICENSE SYSTEM

RESPONSE BASED UPON:
 CUSTOMER ID: 26611075 PAGES: 50
 ATTENTION:

NAME: Doe Jane
 ADDRESS: 123 Main St
 CITY: CHAPEL HILL
 DOB: 01-28-1978 HEIGHT: 5 FT. 03 IN. SEX: F EYES: BLU HAIR: BRO RACE: W
 PRIMARY LICENSE NO: 00000000
 SECONDARY LICENSE NO:
 ORG. ISS.DT: 07-15-97 OS DL NO:
 NON-RESIDENT MILITARY: N REAL ID: OS STATE:

*** DRIVER LICENSE STATUS: CLS C SUSPENDED ***

CLASS	GRP	TYP	ISSUE DT	EXPIR DT	CDL	DISQ	PROB	LMT	COND	PRIV	RESTR	STATUS
I	O		10-07-10	01-28-18	N	N	N	N	N	N	N	ID CARD
ENDORS:												
CRD TRNS:0002932950												
C	O		04-27-05	01-28-13	N	N	N	N	N	N	N	SUSPENDED
ENDORS:												
C	D		04-17-00	01-28-03	N	N	N	N	N	N	N	EXPIRED
ENDORS:												

OCCUR/ BEG DATE	CONV/ END DATE	NATURE OF RECORD OR DIVISION ACTION	POINTS
SCHBUS: NOT ELIG FOR SCHOOL BUS DRIVER CERTIFICATION			
11-26-10	INDEF	SUSP: FAILURE TO APPEAR	
07-24-10	09-23-10	CONV: (634)FAIL TO APPEAR COURT: JOHNSTON COUNTY COURT, NC COURT: AOC #: 2010CR 708878 CITATION ID: 07940E22	
11-26-10	INDEF	SUSP: FAILURE TO APPEAR	
07-24-10	09-23-10	CONV: (634)FAIL TO APPEAR COURT: JOHNSTON COUNTY COURT, NC COURT: AOC #: 2010CR 708877 CITATION ID: 07940E21	
11-26-10	INDEF	SUSP: FAILURE TO APPEAR	
07-24-10	09-23-10	CONV: (634)FAIL TO APPEAR COURT: JOHNSTON COUNTY COURT, NC COURT: AOC #: 2010CR 708877 CITATION ID: 07940E21	
12-27-09	INDEF	SUSP: FAILURE TO APPEAR	
08-23-09	10-27-09	CONV: (634)FAIL TO APPEAR COURT: WAKE COUNTY COURT, NC COURT: AOC #: 2009CR 748521 CITATION ID: 0177E514	
12-27-09	INDEF	SUSP: FAILURE TO APPEAR	
08-23-09	10-27-09	CONV: (634)FAIL TO APPEAR COURT: WAKE COUNTY COURT, NC COURT: AOC #: 2009CR 748521 CITATION ID: 0177E514	

Page 1

1. Personal Information Section
 - a. Defendant's Name; Address; Date of Birth; License Number
2. Driver's License Status
 - a. Active; Expired; Suspended; Inactive; Eligible for Reinstatement; Suspended –Pick up License
3. Nature of Record or Division Action
 - a. Conviction, County in which case originated, and Original Case Number.
 - b. Action DMV took as a result of the Conviction or Inaction of defendant.
4. Points/PJC
 - a. Points assessed as a result of conviction or record of PJC
Note: Zero points is blank
5. Important Dates
 - a. Occurrence / Beginning
 - b. Conviction / Ending

Driving Record

04-27-05 01-28-13 ORG ISS: CLS C EN:
RSTR:0 NONE

10-20-04 01-28-08 REN ISS: ID EN:

09-01-03 09-01-04 SUSP: 1ST MOVING VIOLATION WHILE LICENSE SUSPENDED

07-06-03 08-21-03 CONV: (227)SAFE MOVEMENT VIOLATION 2
COURT: NEW HANOVER COUNTY COURT, NC
COURT: AOC #: 03IF 008150 CITATION ID: 02163990

12-02-02 02-08-05 SUSP: FAILURE TO APPEAR

07-06-03 ACDNT: NEW HANOVER COUNTY, NC
ACDNT: CASE ID:100937865

12-02-02 02-08-05 SUSP: FAILURE TO APPEAR

06-18-02 10-02-02 CONV: (634)FAIL TO APPEAR
COURT: NEW HANOVER COUNTY COURT, NC
COURT: AOC #: 02CR 012536 CITATION ID: C2670132

10-20-02 01-27-05 SUSP: FAILURE TO APPEAR

02-23-02 08-15-02 CONV: (634)FAIL TO APPEAR
COURT: NEW HANOVER COUNTY COURT, NC
COURT: AOC #: 02CR 004575 CITATION ID: C2329387

03-21-02 01-28-08 REN ISS: ID EN:

04-21-01 01-18-05 SUSP: FAILURE TO APPEAR

10-22-00 02-19-01 CONV: (634)FAIL TO APPEAR
COURT: NEW HANOVER COUNTY COURT, NC
COURT: AOC #: 00CR 028000 CITATION ID: C0549982

04-21-01 01-18-05 SUSP: FAILURE TO APPEAR

10-22-00 02-19-01 CONV: (634)FAIL TO APPEAR
COURT: NEW HANOVER COUNTY COURT, NC
COURT: AOC #: 00CR 028000 CITATION ID: C0549982

10-30-00 03-15-05 SUSP: FAILURE TO APPEAR

06-27-00 08-30-00 CONV: (634)FAIL TO APPEAR
COURT: NEW HANOVER COUNTY COURT, NC
COURT: AOC #: 00CR 014549 CITATION ID: 09891899

10-07-00 06-21-02 SUSP: FAILURE TO APPEAR

06-14-00 08-07-00 CONV: (634)FAIL TO APPEAR
COURT: NEW HANOVER COUNTY COURT, NC
COURT: AOC #: 00CR 012148 CITATION ID: C0364107

09-26-00 06-21-02 SUSP: FAILURE TO APPEAR

06-05-00 07-27-00 CONV: (634)FAIL TO APPEAR
COURT: NEW HANOVER COUNTY COURT, NC
COURT: AOC #: 00CR 011884 CITATION ID: C0363057

09-26-00 06-21-02 SUSP: FAILURE TO APPEAR

06-05-00 07-27-00 CONV: (634)FAIL TO APPEAR
COURT: NEW HANOVER COUNTY COURT, NC
COURT: AOC #: 00CR 011884 CITATION ID: C0363057

06-14-00 06-21-02 CONV: (307)NO LIABILITY INSURANCE
COURT: NEW HANOVER COUNTY COURT, NC
COURT: AOC #: 00CR 012148 CITATION ID: C0364107 PJC

05-29-00 ACDNT: NEW HANOVER COUNTY, NC PERS INJ
ACDNT: CASE ID:100105594

04-17-00 01-28-03 DUP ISS: CLS C EN:
RSTR:0 NONE

12-05-98 04-11-00 SUSP: FAILURE TO APPEAR

08-11-98 10-05-98 CONV: (634)FAIL TO APPEAR

- 1st moving violation while suspended

How To Read a NC Driving Record



- Be familiar with abbreviations
 - PERM – Permanent Revocation
 - Permanent means forever? Yes, but that is where you come in
 - INDEF – Indefinite Revocation
 - Revoked until whenever the revocation is ended
 - Note: CJ Leads records do not say INDEF, just blank
 - PJC – Prayer for Judgment Continued
 - Shows when a PJC was used
 - ACDNT – Accident
 - If an accident was reported, then it is on the record. This does NOT mean the person was at fault, just that they were involved.
 - CLS – Class
 - Describes the class of license to let you know if a Commercial Drivers License (CDL) is in play (Class C is a typical non-CDL)

2 Types of Suspension



N.C. Gen. Stat. § 20-24.1 (Indefinite Suspension)

- Revocation (INDEF) for FTA or FTP/FTC
- Remains in effect until the FTA case is disposed or FTC case is paid

N.C. Gen. Stat. § 20-28 (a) and N.C. Gen. Stat. § 20-28.1 (Definite Suspension)

- Any moving violation conviction requires additional suspension of 1 year, 2 years or permanently if the moving violation was committed while in a state of suspension (20-28.1).
- Same with any conviction of DWLR-Impaired or DWLR-Non-Impaired with an offense date before 12/1/2015

Other Possible Causes of a Revocation



North Carolina General Statute § 20-16 provides, that the Division of Motor Vehicles has the authority to suspend the license of any driver, if a driver has:

- Accumulated twelve or more points within a three year period
- Been convicted of Driving While Impaired
- Been convicted of Speeding more than 80 MPH in a 70 MPH zone
- Been convicted of Speeding more than 75 MPH in a less than 70 MPH zone
- Been convicted in 12 months of Speeding 55 to 80 MPH and:
 - Speeding 55 to 80 MPH; or
 - Careless and Reckless Driving; or
 - Aggressive Driving;
- Committed Fraud involving a Driver's License or Learner's Permit
- Been Convicted of Illegally Transporting Alcohol
- Been Ordered Suspended as part of a Court Order

Moving vs. Non-Moving Violations



Moving Violations

- DWLR (Impaired)
- Speeding
- Stop Sign/Stoplight
- No Insurance
- Unsafe movement
- Reckless Driving (C&R)
- Move Over Law
- DWLR Non-Impaired**
- No Operator's License (NOL)**

**Offense Date Before 12-1-2015

- Driving While Impaired (DWI)
- Open Container
- Following Too Closely
- Left of Center
- Passing a Stopped School Bus
- Failure to Yield to Emergency Vehicle
- Illegal Passing
- Child Seat/Child Seatbelt (<16 years)

Moving vs. Non-moving



Non-moving Violations

- Improper Equipment
- Adult Seatbelt (age $\geq$ 16)
- Exp/Rev/Fict Registration
- Exp Inspection
- Fictitious Info to Officer
- Parking in a Handicapped Space

- Failure to Notify DMV of Address Change
- Window Tint
- All City Ordinance Violations
- DWLR (Non-Impaired)*
- No Operators License*

*Offense 12/1/15 or later

Alternatives to a Moving Violation Conviction



- Dismissal or Acquittal
- Reduce or Amend to Non-Moving Violation
- Prayer for Judgment Continued (PJC)

Dismissal/Acquittal



- Acquittal (i.e. a NG verdict) is usually an impractical route in these cases (exceptions apply)
- Outright dismissal of moving violations
 - Exception: Defendant agrees to plea to another moving violation, a non-moving violation, a criminal charge, etc. (Dismissal per plea)
 - Exception: Unsafe movement, Failure To Reduce Speed, etc. resulting from a vehicle collision – Defendant presents a letter from his insurance company
- BUT, a dismissal of CHARGED non-moving violation is quite common – FIX IT and show proof!
 - Expired Inspection, Registration
 - Improper Equipment, Window Tint

Reduce or Amend to Non-moving Violation



- Speeding → Improper Equipment-Speedometer
 - Exception: IE is NOT available if speed > 25mph over
- Stoplight/Stop Sign → City Code Violation (or Improper Equipment-Brakes)
- DWLR/NOL → A non-moving violation for offense dates on/after Dec 1, 2015

Prayer for Judgment Continued (PJC)

- PJC is unique to North Carolina
 - Guilty but not a “conviction” (court agrees to continue the judgment indefinitely)
 - **NOTE:** only 2 PJCs per driver every 5 years for DMV purposes
 - **BUT** only 1 PJC per person every 5 years for insurance purposes
 - See N.C. Gen. Stat. § 58-36-75(f)
- ***Legislative Update: This changed to 1 every 5 years starting January 2025.**
- DMV will not honor a PJC for the following:
 - DWI
 - Passing Stopped School Bus
 - Speed > 25mph over
 - Any offense committed while driving a commercial vehicle OR possessing a commercial drivers license

Extraordinary Relief



- (1) FTA Sent in Error
- (2) Nunc pro Tunc
- (3) Motion for Appropriate Relief (MAR)
- (4) Chapter 14 Criminal Charge of FTA

FTA Sent In Error



- Judge orders the clerk to transmit to the DMV that the clerk sent the FTA in error.
- If the FTA is removed (on the original charge), the period of suspension is not just ended (like paying off the FTA), but instead the suspension is removed like it never happened.
- Practical Tip: Recent DMV changes now interpret Stricken and Sent In Error as the same thing

FTA Sent In Error



- Example: Client is suspended from an FTA on a stop sign ticket in 2015. Client is currently charged with DWLR (non-impaired) and Speeding 111 in a 55. The ADA is not willing to reduce the speed. Your client can't get an LDP if the speed isn't the only suspension (high speed, FTA suspension, moving violation while suspended)
- Get the 2015 FTA Sent In Error. Now the FTA susp never happened. The moving violation no longer occurred while in a state of suspension.

FTA Sent In Error



- You now can plead to the current moving violation (the speed will suspend). It no longer occurred during a period of suspension. The DWLR will be dismissed because the client wasn't suspended when pulled over. The client will be eligible for the Limited Driving Privilege with automatic reinstatement after one year.
- Practical Tip: Draft your order to say the FTA was Stricken and Sent In Error "BY NO FAULT OF THE CLERK"

Nunc Pro Tunc (now for then)



- Rewrite history by changing the date a conviction, PJC or other action is entered. Has a retroactive legal effect. It is as though the action had occurred at an earlier date.
- Can use on an open or closed case. BUT, if want to Nunc Pro Tunc a date on a closed case, you need a way to open the closed case (see MAR...)
- Practical Tip: Use this for the PJC law change

Motion for Appropriate Relief (MAR)



- N.C. Gen. Stat. § Section 15A-1415
- Allows an old case to be opened and change what happened in the past. Use when:
 - PJC was used improperly and need to get it back to use today
 - PJC was available and was not used OR is now available
 - Pled to speed when IE was an option
 - Change a Speeding plea to Exceeding a Safe Speed in a situation where there are two speeds greater than 55mph within a year

Chapter 14 Criminal Charge of FTA



- Ask ADA to amend the Chapter 20 traffic ticket (DWLR or moving violation) to the *criminal* charge of Failure to Appear (Chapter 14).
- Chapter 14 is not a traffic charge. If person pleads Guilty to a Chapter 14 charge of Failure to Appear, their DL will NOT be revoked because this is NOT a Chapter 20 moving violation.
- This is less useful with DWLR being non-moving

Limited Driving Privilege



- N.C. Gen. Stat. § 20-20.1 Petition and Order (2 step process)
- COURT order allowing a person with a revoked license to drive on a limited basis. Prior to implementation of this statute, a DMV hearing was the only way to obtain a driving privilege.
- License is still revoked but judge grants a limited driving privilege (work, school, household maintenance, religious worship)

Limited Driving Privilege (cont'd)



- Does not need a DMV hearing (issued by Judge).
- The person's license must be currently revoked under N.C. Gen. Stat. § G.S. 20-28.1 and this must be the **ONLY** revocation currently in effect.
- Can not be granted if person currently has any indefinite suspensions, has pending traffic charges or the suspension was a result of a DWI.

Limited Driving Privilege Cont'd



- Eligible to file petition in district court in the county of the person's residence:
 - 90 days after 1 year revocation period begins
 - 1 year after 2 year revocation period begins
 - 2 years after Permanent revocation period begins
- If Judge issues, clerk of court sends copy of the limited driving privilege to DMV.
- After one year of driving on a limited driving privilege for a Permanent Revocation, the license must be reinstated (but, for some reason, a hearing is still required)

Misdemeanor Reclassification



- DWLR – Impaired Revocation is still a Class 1 misdemeanor where counsel may be appointed
- DWLR – Non-Impaired Revocation is a Class 3 misdemeanor with a cost/fine disposition therefore eliminating the ability to apply for appointed counsel
 - Exception: Where a defendant has 4 or more previous convictions, a disposition other than a cost/fine is possible so the defendant may apply for court appointed counsel
 - Practical Tip: Courts will often appoint counsel on DWLR Non-Impaired if the defendant already has appointed counsel on other charges

NC Drivers License Restoration Act



What Does the NC DL Restoration Act do?

- The Act provides some weapons in the fight against the License Revocation Cycle
- The Act made great strides in ending additional license suspensions from “Driving While Poor”
- The Act has provided traction for programs in some counties to clean up old FTA’d cases

In a Nutshell...



- The Act makes DWLR (Non-Impaired) a NON-MOVING violation
 - This eliminates any suspensions for DWLR (as they currently stand...like moving violations while suspended)
 - Applies to anyone who is charged with DWLR on or after December 1, 2015
 - NOTE: “Charged” not “Convicted” – Changed in the Technical Corrections phase of the law
 - Practical Tip: DMV is not currently issuing suspensions for convictions after 12/1/2015 regardless of offense date

What Did This Do?



- You can now enter a plea to DWLR to (hopefully) get the accompanying moving violation (speeding, etc.) dismissed
→ No Additional Suspension (Stops the DWLR Cycle)
- The Act was INTENDED TO encourage those with old charges to add them on to a docket and resolve them by plea. They can enter a plea of guilty to DWLR charges, pay off what they owe, and get a license back. Now it encourages new charges first.
- Get more licensed, insured drivers on the road (or reduce the amount of unlicensed/uninsured drivers)

Potential Pitfalls



- DMV may still view any pleas to non-moving violations as evidence of driving.
 - Even though a non-moving violation will not make a defendant ineligible for a hearing, it can be used against them as evidence of driving during the suspension (very common)
 - Practical Solution: Evidence of driving is irrelevant in consideration for the limited driving privilege, and after successfully having the privilege for 1 year, the license is reinstated (although a hearing is still required for a perm susp)

Potential Pitfalls



- The act encourages pleas that will result in a criminal record
 - DWLR (misdemeanor) will not suspend you further...Speeding 1mph over the limit (infraction) will suspend you for 1 year, 2 years, or permanently
 - There is a strong motivation to enter a plea of guilty to a misdemeanor (creating a criminal record if otherwise clean) instead of a traffic infraction to avoid a license suspension

NC DMV Hearings



- Most DMV hearings and interviews cannot be scheduled until a hearing fee has been paid
- DMV will let you pay for a hearing, schedule a hearing, and show up for a hearing...just to tell you that you are not eligible for a hearing
- Things that are perfectly fine for court and limited privilege purposes can be held against you in a DMV hearing and prevent license reinstatement

Filing Fees for DMV Hearings



DMV HEARING FEES	
Driver improvement clinic eligibility	\$40
Commercial driver license disqualification	\$200
Violation of Safety & Responsibility law	\$200
Compliance with probation or restoration agreement	\$220 (billed after hearing)
Pre-interview held before license restoration (situations involving alcohol-related convictions, suspensions or revocations)	\$225
License restoration (DWI)	\$425
License restoration (driving with revoked license)	\$200
License restoration (moving violations while driving with revoked license)	\$200
Refusal to submit to chemical analysis	\$450
Alcohol concentration restriction violation	\$450
Ignition interlock device restriction violation	\$450 (billed after hearing)
License suspensions or revocations not otherwise listed to include those found in G.S. 20-13 and G.S. 20-16	\$100

Affidavit of Indigence for DMV Hearings



- Available in English and Spanish online
- Income must be verified
 - Recent W-2 or 1099 tax docs
 - Tax Filings or Statement
 - Pay Stubs
 - Proof of government assistance

Tips For License Restoration



- Always keep the DL in mind when resolving criminal cases. Even if unrelated, you can often help get a license back by getting charges dismissed with the same plea you were going to enter anyway. Always check CIPRS (NC Public Criminal & Infraction Records) before a plea!
- You can never have a license if you don't resolve the INDEF suspensions!
 - If indefinite suspensions exist you will be in a revoked status
 - If definite/permanent suspensions exist you have an end date

Tips for License Restoration



- Keep money in mind! Your client definitely is.
 - An FTA can cost \$200 extra.
 - Just because you can get something dismissed doesn't always mean you should
 - Post-Act, you can save the \$200 fee and avoid the additional suspension by entering a plea on the new DWLR charge (non-moving violation)
 - Remember: It is a criminal charge

Tips for License Restoration



- **Use and Build Your Network!**
 - Call around and find out how a client can reset an old case in another county and if that is feasible to do without an attorney
 - Some counties will really try to help those who are trying to help themselves obtain a valid license
 - You will be surprised how many people will volunteer to help and can often just get an old case dismissed by showing what the client has done/paid so far

Any Questions?



Feel free to contact me at any point in the future if I can help you out in any way.

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