

## Limited Driving Privileges

I cannot stress enough the need to select the correct privilege.

Lawyers routinely do not use the correct privilege for their clients, and the drivers do not get the proper credit with DMV.

For example, client is convicted of Level IV DWI, first offense, and had a BAC of .21. Therefore Ignition Interlock Device (IID) is required. Lawyer tells client he has to have IID installed before he can petition for a LDP. Client has IID installed. Lawyer presents to the Court LDP AOC-CR-312, instead of AOC-CR-340.

312 allowed the Client to legally drive for a year, but he receives ZERO (0) credit for the IID because the wrong form was used. Client then becomes majorly pissed when he spent roughly \$700 to \$1,400 for a year of IID that he received no credit for and has to spend that same money again to be in compliance.

Additionally, hammer home to the client that the LDP is valid at-most for a year, and ONLY until the DWI suspension ends.

**Scenario (1):** Lawyer uses correct LDP on day of conviction of DWI. That privilege lasts one year (assuming 1 year DWI suspension). Client needs to be relicensed at DMV one year after the DWI.

**Scenario (2):** Lawyer uses correct LDP 3 months after DWI conviction for whatever reason; client just found money for a car / Client just was then able to afford LDP; etc. **That LDP is ONLY valid for 9 months - not 12.**

Please highlight this language on the privilege in the lower left hand corner:

**NOTE TO APPLICANT: This privilege is no longer valid after the revocation period for the offense of which you were convicted has ended, or if your drivers license remains revoked solely because the Division of Motor Vehicles has not obtained a certificate of your completion of a substance abuse treatment program or an alcohol and drug education traffic school.**

Remind client to be at the DMV on the morning of their end-date of court conviction to reapply for their license - and obviously to already have completed their Substance Abuse Assessment and Treatment which can **ONLY** be done by a provider on this list to receive credit: <https://dmhdsohf.ncdhhs.gov/PROVIDERLIST/>

I personally recommend A Fresh Start, which can be found in the Orange County block. I have used them for 15 years with no complaints and all 508 treatments can be done virtually from start to finish.

A Fresh Start is also on the small list of approved providers for DWI Restoration Hearings with NC DMV. Highly recommended. (919) 260-0629

Types of limited driving privileges - depending on the circumstance, some are criminal and some are civil (with higher filing fees)

AMONG THE MOST FREQUENTLY ASKED MOTOR VEHICLE LAW QUESTIONS IS WHETHER A PERSON CONVICTED OF IMPAIRED DRIVING FOR AN OFFENSE THAT OCCURRED WHEN THE PERSON WAS LESS THAN 21 YEARS OLD IS ELIGIBLE FOR A LIMITED DRIVING PRIVILEGE. THE ANSWER IS NO. THE REASON? NO STATUTE CONFERS AUTHORITY FOR THE GRANTING OF A LIMITED DRIVING PRIVILEGE FOR SUCH A PERSON. WITHOUT SUCH AUTHORITY, THE PRIVILEGE IS INVALID. [G.S. 20-179.3\(K\).](#)

HOWEVER, WHILE A PERSON WHOSE LICENSE IS REVOKED SOLELY FOR CONVICTION OF DRIVING BY A PERSON UNDER 21 AFTER CONSUMING ALCOHOL OR DRUGS IN VIOLATION OF G.S. 138.3 IS ELIGIBLE FOR A LIMITED DRIVING PRIVILEGE IF THE PERSON IS 18, 19, OR 20 YEARS OLD ON THE DATE OF THE OFFENSE.

"NO PRIVILEGE FOR YOU" BY SOG PROFESSOR SHAE DENNING  
[HTTPS://NCCRIMINALLAW.SOG.UNC.EDU/NO-PRIVILEGE-FOR-YOU/](https://nccriminallaw.sog.unc.edu/no-privilege-for-you/)

#### **AOC-CR-306**

Limited Driving Privilege - Speeding, Reckless Driving, Aggressive Driving, Larceny Of Motor Fuel, Felony Speeding To Elude, Unsafe Movement, Failure To Move Over, Or Passing Stopped School Bus - In-State Convictions

#### **AOC-CR-312**

Limited Driving Privilege Impaired Driving Or Open Container Or Underage Alcohol Violation (N.C. Convictions Only)

#### **AOC-CR-313A**

Limited Driving Privilege Willful Refusal

**AOC-CR-313B - very important one when there is both IID requirement, but was a**



refusal. Pay attention to those scenarios  
Interlock Limited Driving Privilege Willful Refusal

**AOC-CR-317**

Forfeiture Of Drivers License Failure To Complete Community Service; Forfeiture Of Licensing Privileges Felony Probation Revocation

**AOC-CR-318**

Limited Driving Privilege Felony Conviction

**AOC-CR-340**

Interlock Limited Driving Privilege Impaired Driving Or Open Container Or Underage Alcohol Violation (N.C. Convictions Only)

**AOC-CR-341**

Order To Surrender License Or Limited Driving Privilege

**AOC-CR-345 - this is a great LDP if you have a client solely revoked because of unpaid court costs**

Application And Order For Limited Driving Privilege - Failure To Comply Revocation

**AOC-CR-347 - NEW LDP for certain Level 2 convictions** ➡

Interlock Limited Driving Privilege Impaired Driving With Impaired Driving Conviction In Preceding Seven Years (N.C. Convictions Only)

- The person has not been convicted of more than one other offense involving impaired driving within the previous 7 years;
- At the time of the offense, the person held a valid driver's license or a license that had been expired for less than a year;
- At the time of the offense, the person did not have an alcohol concentration of 0.15 or more;
- Punishment Level 3, 4, or 5 was imposed, or Punishment Level 2 was imposed based solely on the grossly aggravating factor of a prior conviction under G.S. 20-179(c)(1);
- Since the offense, the person has not been convicted of an offense involving impaired driving or had an unresolved charge for such an offense; and
- The person has filed with the court a substance abuse assessment of the type required by G.S. 20-17.6 for the restoration of a driver's license.

A limited driving privilege issued under this new category of eligibility must



require an IID.<sup>1</sup>

#### **AOC-CV-350**

Petition For Limited Driving Privilege - Speeding, Reckless Driving, Aggressive Driving, Or DWI - Out-Of-State Or Federal Convictions

#### **AOC-CV-351**

Limited Driving Privilege - Speeding, Reckless Driving, Or Aggressive Driving - Out-Of-State Or Federal Convictions

#### **AOC-CV-352A**

Limited Driving Privilege Impaired Driving (Out-Of-State Or Federal Convictions)

#### **AOC-CV-352B**

Interlock Limited Driving Privilege Impaired Driving (Out-Of-State Or Federal Convictions)

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### **Pre-Trial Privileges for DWIs**

#### **AOC-CVR-9**

Petition For Limited Driving Privilege Pretrial Revocation (Implied-Consent Offense)

#### **AOC-CVR-10A**

Limited Driving Privilege Pretrial Revocation (Implied-Consent Offense)

#### **AOC-CVR-10B**

Interlock Limited Driving Privilege Pretrial Revocation (Implied-Consent Offense)

#### **AOC-CVR-11A**

Limited Driving Privilege Indefinite Pretrial Revocation (Implied Consent Offense)

#### **AOC-CVR-11B**

Interlock Limited Driving Privilege Indefinite Pretrial Revocation (Implied Consent Offense)

AOC-CVR-11A, 11B, 10A, and 10B apply to licenses that have been revoked pursuant to a civil license revocation (CVR) rather than a conviction. Civil license revocations are revocations that occur once a person is charged with

an implied-consent offense, given the implied consent procedures, and they either refuse, blow a .08, blow a .04 (commercial vehicle), or have any alcohol content and they are under 21. These revocations last either 30 days, 45 days, or indefinitely if the person has another pending offense where their license was revoked pursuant to these procedures (notably - regardless of whether they got their license back already).

To work through your hypothetical, say a person is charged with DWI and receives a CVR on January 1, 2025. They serve the 30 day revocation, and get their license back after paying the restoration fee on January 31, 2025. On February 15, 2025, their license expires. On February 28, 2025, they pick up another DWI and qualify again for a CVR. This is CVR would be indefinite, rather than limited to 30 or 45 days, because it lasts as long as DWI 1 and DWI 2 take to get to final disposition. In this case, Finding 2 would be satisfied by having a license that was expired for less than a year, and Finding 3 would be satisfied because they were not currently licensed to drive at the DWI 2 offense date.

Explanation courtesy of Assistant Professor of Public Law and Government:  
Belal Elrahal, NC School of Government

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## DWLR Privilege

AOC-CV-353 - DWLR LDPs with NO DWI convictions. This is one of the best tools in your license restoration toolbox. 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.

Compare § 20-20.1. Limited driving privilege for certain revocations to § 20-28.1. Conviction of moving offense committed while driving during period of suspension or revocation of license.

Using the privilege mandates DMV "MUST reinstate" the license after a year with no convictions, vs. § 20-28.1, which says "MAY reinstate."

[Petition For Limited Driving Privilege Driving While License Revoked Or Committing Moving Offense While Driving During Period Of Revocation](#)



Limited Driving **Privilege** Driving While License Revoked Or Committing Moving Offense While Driving During Period Of Revocation

DWLR Limited Privilege explained in

**§ 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).)



# DWI Specific

## § 20-179.3. Limited driving privilege.

(a) Definition of Limited Driving Privilege. - A limited driving privilege is a judgment issued in the discretion of a court for good cause shown authorizing a person with a revoked driver's license to drive for essential purposes related to any of the following:

- (1) The person's employment.
- (2) The maintenance of the person's household.
- (3) The person's education.
- (4) The person's court-ordered treatment or assessment.
- (5) Community service ordered as a condition of the person's probation.
- (6) Emergency medical care.
- (7) Religious worship.

(b) Eligibility. -

(1) Except as otherwise provided in subdivision (3) of this subsection, a person convicted of the offense of impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if all of the following requirements are met:

- a. At the time of the offense the person held either a valid driver's license or a license that had been expired for less than one year.
- b. At the time of the offense the person had not within the preceding seven years been convicted of an offense involving impaired driving.
- c. Punishment Level Three, Four, or Five was imposed for the offense of impaired driving.
- d. Subsequent to the offense the person has not been convicted of, or had an unresolved charge lodged against the person for, an offense involving impaired driving.
- e. The person has obtained and filed with the court a substance abuse assessment of the type required by G.S. 20-17.6 for the restoration of a drivers license.

A person whose North Carolina driver's license is revoked because of a conviction in another jurisdiction substantially similar to impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if the person would be eligible for it had the conviction occurred in North Carolina. Eligibility for a limited driving privilege following a revocation under G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

(2) Any person whose licensing privileges are forfeited pursuant to G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds that at the time of the forfeiture, the person held either a valid drivers license or a drivers license that had been expired for less than one year and either of the following requirements is met:

- a. The person is supporting existing dependents or must have a drivers license to be gainfully employed.
- b. The person has an existing dependent who requires serious medical treatment and the defendant is the only person able to provide transportation to the dependent to the health care facility where the dependent can receive the needed medical treatment.



The limited driving privilege granted under this subdivision must restrict the person to essential driving related to the purposes listed above, and any driving that is not related to those purposes is unlawful even though done at times and upon routes that may be authorized by the privilege.

(3) A person convicted of the offense of impaired driving under G.S. 20-138.1

that has been convicted of not more than one offense involving impaired driving within the preceding seven years is eligible for a limited driving privilege if all of the following requirements are met:

- a. At the time of the offense the person held either a valid driver's license or a license that had been expired for less than one year.
- b. At the time of the offense the person did not have an alcohol concentration of 0.15 or more.
- c. One of the following punishment levels was imposed for the offense of impaired driving:
  1. Punishment Level Three, Four, or Five.
  2. Punishment Level Two, but only if the Grossly Aggravating Factor determined to impose Punishment Level Two was the Grossly Aggravating Factor provided in G.S. 20-179(c)(1).
- d. Subsequent to the offense the person has not been convicted of, or had an unresolved charge lodged against the person for, an offense involving impaired driving.
- e. The person has obtained and filed with the court a substance abuse assessment of the type required by G.S. 20-17.6 for the restoration of a drivers license.

A person whose North Carolina driver's license is revoked because of a conviction in another jurisdiction substantially similar to impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if the person would be eligible for it had the conviction occurred in North Carolina. Eligibility for a limited driving privilege following a revocation under G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

(c) Privilege Not Effective until after Compliance with Court-Ordered Revocation. - A person convicted of an impaired driving offense may apply for a limited driving privilege at the time the judgment is entered. A person whose license is revoked because of a conviction in another jurisdiction substantially similar to impaired driving under G.S. 20-138.1 may apply for a limited driving privilege only after having completed at least 60 days of a court-imposed term of nonoperation of a motor vehicle, if the court in the other jurisdiction imposed such a term of nonoperation.

(c1) Repealed by Session Laws 2021-182, s. 1(a), effective December 1, 2021, and applicable to limited driving privileges issued on or after that date.

(d) Application for and Scheduling of Subsequent Hearing. - The application for a limited driving privilege made at any time after the day of sentencing must be filed with the clerk, and no hearing scheduled may be held until a reasonable time after the clerk files a copy of the application with the district attorney's office. The hearing must be scheduled before:

- (1) The presiding judge at the applicant's trial if that judge is assigned to a court in the district court district as defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be, in which the conviction for impaired driving was imposed.
- (2) The senior regular resident superior court judge of the superior court

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district or set of districts as defined in G.S. 7A-41.1 in which the conviction for impaired driving was imposed, if the presiding judge is not available within the district and the conviction was imposed in superior court.

- (3) The chief district court judge of the district court district as defined in G.S. 7A-133 in which the conviction for impaired driving was imposed, if the presiding judge is not available within the district and the conviction was imposed in district court.

If the applicant was convicted of an offense in another jurisdiction, the hearing must be scheduled before the chief district court judge of the district court district as defined in G.S. 7A-133 in which he resides. G.S. 20-16.2(e1) governs the judge before whom a hearing is scheduled if the revocation was under G.S. 20-16.2(d). The hearing may be scheduled in any county within the district court district as defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be.

**(e) Limited Basis for and Effect of Privilege.** - A limited driving privilege issued under this section authorizes a person to drive if the person's license is revoked solely under G.S. 20-17(a)(2) or as a result of a conviction in another jurisdiction substantially similar to impaired driving under G.S. 20-138.1; if the person's license is revoked under any other statute, the limited driving privilege is invalid.

**(f) Overall Provisions on Use of Privilege.** - Every limited driving privilege must restrict the applicant to essential driving related to the purposes listed in subsection (a), and any driving that is not related to those purposes is unlawful even though done at times and upon routes that may be authorized by the privilege. If the privilege is granted, driving related to emergency medical care is authorized at any time and without restriction as to routes, but all other driving must be for a purpose and done within the restrictions specified in the privilege.

**(f1) Definition of "Standard Working Hours".** - Under this section, "standard working hours" are 6:00 A.M. to 8:00 P.M. on Monday through Friday.

**(g) Driving for Work-Related Purposes in Standard Working Hours.** - In a limited driving privilege, the court may authorize driving for work-related purposes during standard working hours without specifying the times and routes in which the driving must occur. If the applicant is not required to drive for essential work-related purposes except during standard working hours, the limited driving privilege must prohibit driving during nonstandard working hours unless the driving is for emergency medical care or is authorized by subsection (g2). The limited driving privilege must state the name and address of the applicant's place of work or employer, and may include other information and restrictions applicable to work-related driving in the discretion of the court.

**(g1) Driving for Work-Related Purposes in Nonstandard Hours.** - If the applicant is required to drive during nonstandard working hours for an essential work-related purpose, the applicant must present documentation of that fact before the judge may authorize the applicant to drive for this purpose during those hours. If the applicant is self-employed, the documentation must be attached to or made a part of the limited driving privilege. If the judge determines that it is necessary for the applicant to drive during nonstandard hours for a work-related purpose, the judge may authorize the applicant to drive subject to these limitations:

- (1) If the applicant is required to drive to and from a specific place of work at regular times, the limited driving privilege must specify the general times and routes in which the applicant will be driving to and from work, and restrict driving to those times and routes.
- (2) If the applicant is required to drive to and from work at a specific place, but is unable to specify the times at which that driving will occur, the



limited driving privilege must specify the general routes in which the applicant will be driving to and from work, and restrict the driving to those general routes.

- (3) If the applicant 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 in which the applicant will be driving, and restrict driving to those times and within those boundaries.
- (4) If the applicant can specify neither the times nor places in which the applicant will be driving to and from work, or if the applicant is required to drive during these nonstandard working hours as a condition of employment, the limited driving privilege must specify the geographic boundaries in which the applicant will drive and restrict driving to that within those boundaries.

The limited driving privilege must state the name and address of the applicant's place of work or employer, and may include other information and restrictions applicable to work-related driving, in the discretion of the court.

(g2) A limited driving privilege may not allow driving for maintenance of the household except during standard working hours, and the limited driving privilege may contain any additional restrictions on that driving, in the discretion of the court. The limited driving privilege must authorize driving essential to the completion of any community work assignments, course of instruction at an Alcohol and Drug Education Traffic School, or substance abuse assessment or treatment, to which the applicant is ordered by the court as a condition of probation for the impaired driving conviction. If this driving will occur during nonstandard working hours, the limited driving privilege must specify the same limitations required by subsection (g1) for work-related driving during those hours, and it must include or have attached to it the name and address of the Alcohol and Drug Education Traffic School, the community service coordinator, or mental health treatment facility to which the applicant is assigned. Driving for educational purposes other than the course of instruction at an Alcohol and Drug Education Traffic School is subject to the same limitations applicable to work related driving under subsections (g) and (g1). Driving to and from the applicant's place of religious worship is subject to the same limitations applicable to work-related driving under subsections (g) and (g1) of this section.

(g3) Ignition Interlock Allowed. - A judge may include all of the following in a limited driving privilege order:

- (1) A restriction that the applicant may operate only a designated motor vehicle.
- (2) A requirement that the designated motor vehicle be equipped with a functioning ignition interlock system of a type approved by the Commissioner. The Commissioner shall not unreasonably withhold approval of an ignition interlock system and shall consult with the Division of Purchase and Contract in the Department of Administration to ensure that potential vendors are not discriminated against. All approved vendors shall report all attempts to start the vehicle with an alcohol concentration greater than 0.02 or any other violations of the interlock policies established by the Division for use of an ignition interlock system or a violation of G.S. 20-17.8A to the Commissioner in accordance with Division requirements.
- (3) A requirement that the applicant personally activate the ignition interlock



system before driving the motor vehicle.

If the limited driving privilege order includes the restrictions set forth in this subsection, then the limitations set forth in subsections (a), (f), (g), (g1), and (g2) of this section do not apply when the person is operating the designated motor vehicle with a functioning ignition interlock system.

(g4) The restrictions set forth in subsection (g3) and (g5) of this section do not apply to a motor vehicle that meets all of the following requirements:

- (1) Is owned by the applicant's employer.
- (2) Is operated by the applicant solely for work-related purposes.
- (3) Its owner has filed with the court a written document authorizing the applicant to drive the vehicle, for work-related purposes, under the authority of a limited driving privilege.

(g5) Ignition Interlock Required. - If a person's drivers license is revoked for a conviction of G.S. 20-138.1, and the person had an alcohol concentration of 0.15 or more or is eligible for a limited driving privilege pursuant to subdivision (b)(3) of this section, a judge shall include all of the following in a limited driving privilege order:

- (1) A restriction that the applicant may operate only a designated motor vehicle.
- (2) A requirement that the designated motor vehicle be equipped with a functioning ignition interlock system of a type approved by the Commissioner, which is set to prohibit driving with an alcohol concentration of greater than 0.02. The Commissioner shall not unreasonably withhold approval of an ignition interlock system and shall consult with the Division of Purchase and Contract in the Department of Administration to ensure that potential vendors are not discriminated against. All approved vendors shall report all attempts to start the vehicle with an alcohol concentration greater than 0.02 or any other violations of the interlock policies established by the Division for use of an ignition interlock system or a violation of G.S. 20-17.8A to the Commissioner in accordance with Division requirements.
- (3) A requirement that the applicant personally activate the ignition interlock system before driving the motor vehicle.

If the limited driving privilege order includes the restrictions set forth in this subsection, then the limitations set forth in subsections (a), (f), (g), (g1), and (g2) of this section do not apply when the person is operating the designated motor vehicle with a functioning ignition interlock system. For purposes of this subsection, the results of a chemical analysis presented at trial or sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and shall not be subject to modification by any party, with or without approval by the court. The removal of the ignition interlock system prior to the end of the revocation period or any extension shall void the limited driving privilege and the Division shall remove the limited driving privilege from the person's driving record. The interlock provider shall notify the holder of the limited driving privilege that removal voids the limited driving privilege in accordance with Division policy. The Division shall notify the person by first class mail at the address on file with the Division that the limited driving privilege is void and does not authorize driving due to removal of the ignition interlock system.

(h) Other Mandatory and Permissive Conditions or Restrictions. - In all limited driving privileges the judge shall also include a restriction that the applicant not consume alcohol while driving or drive at any time while the applicant has remaining in the applicant's body any alcohol or controlled substance previously consumed, unless the controlled substance was



lawfully obtained and taken in therapeutically appropriate amounts. The judge may impose any other reasonable restrictions or conditions necessary to achieve the purposes of this section.

(i) **Modification or Revocation of Privilege.** - A judge who issues a limited driving privilege is authorized to modify or revoke the limited driving privilege 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 a privilege in accordance with this subsection. The judge must indicate in the order of modification or revocation the reasons for the order, or the judge must make specific findings indicating the reason for the order and those findings must be entered in the record of the case.

(j) **Effect of Violation of Restriction.** - Except as otherwise provided in subsection (j2) of this section, a person holding a limited driving privilege who violates any of its restrictions commits the offense of driving while license is revoked for impaired driving under G.S. 20-28(a1) and is subject to punishment and license revocation as provided in that section. If a law-enforcement officer has reasonable grounds to believe that the person holding a limited driving privilege has consumed alcohol while driving or has driven while the person has remaining in the person's body any alcohol previously consumed, the suspected offense of driving while license is revoked is an alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2. If a person holding a limited driving privilege is charged with driving while license revoked by violating a restriction contained in the limited driving privilege, and a judicial official determines that there is probable cause for the charge, the limited driving privilege is suspended pending the resolution of the case, and the judicial official must require the person to surrender the limited driving privilege. The judicial official must also notify the person that the person is not entitled to drive until the case is resolved.

Notwithstanding any other provision of law, an alcohol screening test may be administered to a driver suspected of violating this section, and the results of an alcohol screening test or the driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative agency in determining if alcohol was present in the driver's body. No alcohol screening tests are valid under this section unless the device used is one approved by the Department of Health and Human Services, and the screening test is conducted in accordance with the applicable regulations of the Department as to the manner of its use.

(j1) **Effect of Violation of Community Service Requirement.** - Division of Community Supervision and Reentry staff shall report significant violations of the terms of a probation judgment related to community service to the court that ordered the community service. The court shall then conduct a hearing to determine if there was a willful failure to comply. The hearing may be held in the district where the requirement was imposed, where the alleged violation occurred, or where the probationer resides. If the court determines that there was a willful failure to pay the prescribed fee or to complete the work as ordered within the applicable time limits, the court shall revoke any limited driving privilege issued in the impaired driving case until community service requirements have been met. In addition, the court may take any further action authorized by Article 82 of Chapter 15A of the General Statutes for violation of a condition of probation.

(j2) **Effect of Ignition Interlock System Violation During Final 90-Day Period.** - Notwithstanding subsection (j) of this section, a person holding a limited driving privilege, including the restriction set forth in subsection (g5) of this section who commits an ignition interlock system violation during the 90-day period immediately preceding the date on which the person's compliance with subsection (g5) of this section is to end, shall have the period of revocation and authorization to drive with the limited driving privilege in compliance with subsection (g5) of this section extended for an additional period of 90 days or until the person has been violation-free for such extended period. For purposes of this subsection, the term

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"ignition interlock system violation" means any of the following:

- (1) Any attempt to start the vehicle with an alcohol concentration greater than 0.02 or violation of any of the other restrictions set forth in subsection (g5) of this section.
- (2) A violation of G.S. 20-17.8A.
- (3) A violation of any of the policies established by the Division for use of an ignition interlock system on a designated motor vehicle.

The Division shall notify the holder of the limited driving privilege of any violation and the right to appeal in accordance with Division policy. The Division shall provide for a telephonic hearing if the holder appeals an extension. The extension shall continue pending appeal. The Division shall send notice of the extension to the person holding the limited driving privilege by first class mail to the address on file with the Division.

(k) Copy of Limited Driving Privilege to Division; Action Taken if Privilege Invalid. - The clerk of court or the child support enforcement agency must send a copy of any limited driving privilege issued in the county to the Division. A limited driving privilege that is not authorized by this section, G.S. 20-16.2(e1), 20-16.1, 50-13.12, or 110-142.2, or that does not contain the limitations required by law, is invalid. If the limited driving privilege is invalid on its face, the Division must immediately notify the court and the person holding the privilege that it considers the privilege void and that the Division records will not indicate that the person has a limited driving privilege.

(l) Any judge granting limited driving privileges under this section shall, prior to granting such privileges, be furnished proof and be satisfied that the person being granted such privileges 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.

The preceding provisions 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. 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 purpose of this subsection "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. Such granting of limited driving privileges shall be conditioned upon the maintenance of such financial responsibility during the period of the limited driving privilege. 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.

(1983, c. 435, s. 31; 1983 (Reg. Sess., 1984), c. 1101, ss. 30-33; 1985, c. 706, s. 2; 1987, c. 869, s. 13; 1987 (Reg. Sess., 1988), c. 1037, s. 78; 1989, c. 436, s. 6; 1994, Ex. Sess., c. 20, s. 3; 1995, c. 506, ss. 1, 2; c. 538, s. 2(h); 1995 (Reg. Sess., 1996), c. 756, s. 31; 1997-379, s. 5-6; 1999-406, ss. 4-6; 2000-155, ss. 7, 11-13; 2001-487, s. 55; 2007-182, s. 2; 2007-493, ss. 24, 29, 30; 2008-187, s. 36(c); 2009-372, s. 15; 2011-145, s. 19.1(k); 2012-194, s. 45(c); 2015-185, s. 2(a); 2015-186, s. 5; 2015-264, s. 86; 2017-186, s. 2(0000); 2021-180, s. 19C.9(v); 2021-182, s. 1(a), (b); 2022-47, s. 16(s); 2024-43, s. 2(a).)

## § 20-16.5. Immediate civil license revocation for certain persons charged with implied-consent offenses.

**(n) Exception for Revoked Licenses.** - Notwithstanding any other provision of this section, if the judicial official required to issue a revocation order under this section determines that the person whose license is subject to revocation under subsection (b):

- (1) Has a currently revoked driver's license;
- (2) Has no limited driving privilege; and
- (3) Will not become eligible for restoration of his license or for a limited driving privilege during the period of revocation required by this section,

the judicial official need not issue a revocation order under this section. In this event the judicial official must file in the records of the civil proceeding a copy of any documentary evidence and set out in writing all other evidence on which he relies in making his determination.

**(o) Designation of Proceedings.** - Proceedings under this section are civil actions, and must be identified by the caption "In the Matter of \_\_\_\_\_" and filed as directed by the Administrative Office of the Courts.

**(p) Limited Driving Privilege.** - A person whose drivers license has been revoked for a specified period of 30 or 45 days under this section may apply for a limited driving privilege if:

- (1) At the time of the alleged offense the person held either a valid drivers license or a license that had been expired for less than one year;
- (2) Does not have an unresolved pending charge involving impaired driving except the charge for which the license is currently revoked under this section or additional convictions of an offense involving impaired driving since being charged for the violation for which the license is currently revoked under this section;
- (3) The person's license has been revoked for at least 10 days if the revocation is for 30 days or 30 days if the revocation is for 45 days; and
- (4) The person has obtained a substance abuse assessment from a mental health facility and registers for and agrees to participate in any recommended training or treatment program.

A person whose license has been indefinitely revoked under this section may, after completion of 30 days under subsection (e) or the applicable period of time under subdivision (1), (2), or (3) of subsection (f), apply for a limited driving privilege. In the case of an indefinite revocation, a judge of the division in which the current offense is pending may issue the limited driving privilege only if the privilege is necessary to overcome undue hardship and the person meets the eligibility requirements of G.S. 20-179.3, except that the requirements in G.S. 20-179.3(b)(1)c. and G.S. 20-179.3(e) shall not apply. Except as modified in this subsection, the provisions of G.S. 20-179.3 relating to the procedure for application and conduct of the hearing and the restrictions required or authorized to be included in the limited driving privilege apply to applications under this subsection. Any district court judge authorized to hold court in the judicial district is authorized to issue such a limited driving privilege. A limited driving privilege issued under this section authorizes a person to drive if the person's license is revoked solely under this section. If the person's license is revoked for any other reason, the limited driving privilege is invalid.

(1983, c. 435, s. 14; 1983 (Reg. Sess., 1984), c. 1101, ss. 11-17; 1985, c. 690, ss. 1, 2; 1987 (Reg. Sess., 1988), c. 1037, s. 80, c. 1112; 1989, c. 771, ss. 15, 16, 18; 1991, c. 689, s. 233.1(a); 1993, c. 285, ss. 5, 6; 1997-379, ss. 3.4-3.8; 1997-443, s. 11A.9; 1997-486, ss. 2-6; 1998-182, ss. 29, 30; 1999-406, s. 13; 2000-140, s. 103A; 2000-155, s. 15; 2001-487, ss. 6, 7; 2003-104, s. 1; 2007-323, s. 30.10(e); 2007-493, s. 17.)





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**NC Division of Mental Health,  
Developmental Disabilities and Substance Abuse Services** (<http://www.ncdhhs.gov/mhddsas/>)

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## Number of Providers by Service

Number of Providers by County

	Service	Language	Number of Facilities
Select	ADETS	English	155
Select	ADETS	Spanish And English	41
Select	ASSESSMENT	English	295
Select	ASSESSMENT	Spanish And English	52
Select	DAY TREATMENT	English	14
Select	DAY TREATMENT	Spanish And English	3
Select	INPATIENT	English	1
Select	MAT	English	2
Select	OUT-OF-STATE REVIEWS	English	208
Select	OUT-OF-STATE REVIEWS	Spanish And English	37
Select	SACOT	English	25
Select	SACOT	Spanish And English	3
Select	SAIOP	English	62
Select	SAIOP	Spanish And English	8
Select	SHORT AND LONGER-TERM TREATMENT	English	281
Select	SHORT AND LONGER-TERM TREATMENT	Spanish And English	52
Select	SHORT TERM TREATMENT	English	2