

The Law of Impaired Driving and Related Implied Consent Offenses in North Carolina

2014

Shea Riggsbee Denning

The School of Government at the University of North Carolina at Chapel Hill works to improve the lives of North Carolinians by engaging in practical scholarship that helps public officials and citizens understand and improve state and local government. Established in 1931 as the Institute of Government, the School provides educational, advisory, and research services for state and local governments. The School of Government is also home to a nationally ranked graduate program in public administration and specialized centers focused on information technology and environmental finance.

As the largest university-based local government training, advisory, and research organization in the United States, the School of Government offers up to 200 courses, webinars, and specialized conferences for more than 12,000 public officials each year. In addition, faculty members annually publish approximately 50 books, manuals, reports, articles, bulletins, and other print and online content related to state and local government. Each day that the General Assembly is in session, the School produces the *Daily Bulletin Online*, which reports on the day's activities for members of the legislature and others who need to follow the course of legislation.

The Master of Public Administration Program is offered in two formats. The full-time, two-year residential program serves up to 60 students annually. In 2013 the School launched MPA@UNC, an online format designed for working professionals and others seeking flexibility while advancing their careers in public service. The School's MPA program consistently ranks among the best public administration graduate programs in the country, particularly in city management. With courses ranging from public policy analysis to ethics and management, the program educates leaders for local, state, and federal governments and nonprofit organizations.

Operating support for the School of Government's programs and activities comes from many sources, including state appropriations, local government membership dues, private contributions, publication sales, course fees, and service contracts. Visit www.sog.unc.edu or call 919.966.5381 for more information on the School's courses, publications, programs, and services.

Michael R. Smith, DEAN

Thomas H. Thornburg, SENIOR ASSOCIATE DEAN

Frayda S. Bluestein, ASSOCIATE DEAN FOR FACULTY DEVELOPMENT

L. Ellen Bradley, ASSOCIATE DEAN FOR PROGRAMS AND MARKETING

Johnny Bursleson, ASSOCIATE DEAN FOR DEVELOPMENT

Todd A. Nicolet, ASSOCIATE DEAN FOR OPERATIONS

Bradley G. Volk, ASSOCIATE DEAN FOR ADMINISTRATION

FACULTY

Whitney Afonso	Cheryl Daniels Howell	LaToya B. Powell
Trey Allen	Jeffrey A. Hughes	William C. Rivenbark
Gregory S. Allison	Willow S. Jacobson	Dale J. Roenigk
David N. Ammons	Robert P. Joyce	John Rubin
Ann M. Anderson	Diane M. Juffras	Jessica Smith
Maureen Berner	Dona G. Lewandowski	Meredith Smith
Mark F. Botts	Adam Lovelady	Carl W. Stenberg III
Michael Crowell	James M. Markham	John B. Stephens
Leisha DeHart-Davis	Christopher B. McLaughlin	Charles Szypszak
Shea Riggsbee Denning	Kara A. Millonzi	Shannon H. Tufts
Sara DePasquale	Jill D. Moore	Vaughn Mamlin Upshaw
James C. Drennan	Jonathan Q. Morgan	Aimee N. Wall
Richard D. Ducker	Ricardo S. Morse	Jeffrey B. Welty
Joseph S. Ferrell	C. Tyler Mulligan	Richard B. Whisnant
Alyson A. Grine	Kimberly L. Nelson	
Norma Houston	David W. Owens	

© 2014

School of Government

The University of North Carolina at Chapel Hill

Use of this publication for commercial purposes or without acknowledgment of its source is prohibited. Reproducing, distributing, or otherwise making available to a non-purchaser the entire publication, or a substantial portion of it, without express permission, is prohibited.

Printed in the United States of America

17 16 15 14 13 12 3 4 5

ISBN 978-1-56011-757-1

♻️ This publication is printed on permanent, acid-free paper in compliance with the North Carolina General Statutes.

♻️ Printed on recycled paper

Contents

Preface	xv
Chapter 1	
Implied Consent Laws: Theory and Procedure	3
I. Introduction	3
II. Implied Consent Testing	3
A. Implied Consent Rights	5
B. Administering a Chemical Analysis	6
1. <i>Breath Tests</i>	7
2. <i>Refusal</i>	8
3. <i>Blood or Urine Tests</i>	9
4. <i>Alcohol Screening Tests</i>	10
5. <i>Pre-Arrest Testing</i>	11
6. <i>Affidavit and Revocation Report</i>	11
III. Theory of Implied Consent	12
A. Implied Consent Testing and the Fourth Amendment	12
B. Statutory Right to Refuse	16
1. <i>Compelled Testing after Refusal</i>	17
2. <i>Missouri v. McNeely and the Theory of Implied Consent</i>	19
a. <i>State v. Butler</i>	20
b. <i>State v. Brooks</i>	20
3. <i>Limitations of Consent-Based Justification</i>	22
4. <i>Fifth Amendment and Refusals</i>	23

Chapter 2

Implied Consent Offenses	29
I. Driving While Impaired	29
A. Elements	29
1. Drive	29
2. Vehicle	30
3. Street, Highway, or Public Vehicular Area	32
a. Street, Highway	32
b. Public Vehicular Area	32
4. While Impaired	33
a. Under the Influence of an Impairing Substance	33
(i) Alcohol	34
(ii) Controlled Substance under G.S. Chapter 90	34
(iii) Drug	34
b. Proving Appreciable Impairment	35
(i) Opinion Testimony	35
(ii) Proving Impairment by Drugs	36
(A) Drug Recognition Expert Combined with Chemical Analysis	36
(B) Opinion Testimony from Experienced Officer	37
(C) Defendant's Admission Corroborated by Expert Testimony	37
c. Per Se Impairment	37
(i) Alcohol Concentration	38
(ii) Relevant Time after Driving	38
(iii) Results Shall Be Deemed Sufficient	40
(iv) Per Se Impairment Sufficient as a Matter of Law	40
(v) Margin of Error	41
(vi) Proving Per Se Impairment with a Chemical Analysis	41
(A) Confrontation Clause and Notice and Demand	42
(1) CHEMICAL ANALYSIS OF BREATH IN DISTRICT COURT	43
(2) CHEMICAL ANALYSIS OF BLOOD OR URINE IN DISTRICT OR SUPERIOR COURT	44
(a) Remote Testimony	44
(3) CHEMICAL ANALYSIS OF BLOOD OR URINE IN ADMINISTRATIVE HEARINGS	44
(B) Proving Per Se Impairment Without a Chemical Analysis	44
(C) Retrograde Extrapolation	45
d. Schedule I Controlled Substance	48
B. Pleading Requirements	47
C. Aiding and Abetting	49
D. Punishment	51
E. License Revocation	51
II. Habitual Impaired Driving	52
A. Offenses Involving Impaired Driving	52
B. Prior Convictions	52
1. Defined	52
2. Time of Conviction	53
C. Indictment	53
D. Conviction	55

E. Sentencing	55
F. License Revocation	56
G. Vehicle Seizure and Forfeiture	56
III. Homicide, Death, and Serious Injury by Vehicle	57
A. Homicide Generally	57
B. Second-Degree Murder	57
1. <i>Elements</i>	57
2. <i>Sentencing</i>	58
3. <i>License Revocation</i>	59
C. Involuntary Manslaughter	59
1. <i>Elements</i>	59
2. <i>Sentencing</i>	60
3. <i>License Revocation</i>	60
D. Death by Vehicle	60
1. <i>Felony Death by Vehicle</i>	60
a. <i>Elements</i>	60
b. <i>Sentencing</i>	60
c. <i>License Revocation</i>	61
2. <i>Aggravated Felony Death by Vehicle</i>	61
a. <i>Elements</i>	61
b. <i>Sentencing</i>	62
c. <i>License Revocation</i>	62
3. <i>Repeat Felony Death by Vehicle</i>	62
a. <i>Elements</i>	62
b. <i>Sentencing</i>	63
c. <i>License Revocation</i>	63
4. <i>Misdemeanor Death by Vehicle</i>	63
a. <i>Elements</i>	63
b. <i>Sentencing</i>	63
c. <i>License Revocation</i>	64
5. <i>Felony Serious Injury by Vehicle</i>	64
a. <i>Elements</i>	64
(i) <i>Serious Injury</i>	64
(ii) <i>Proximate Cause</i>	65
b. <i>Sentencing</i>	65
c. <i>License Revocation</i>	65
6. <i>Aggravated Felony Serious Injury by Vehicle</i>	66
a. <i>Elements</i>	66
b. <i>Sentencing</i>	66
c. <i>License Revocation</i>	66
IV. Impaired Driving in a Commercial Motor Vehicle	67
A. Elements	67
1. <i>Commercial Motor Vehicle</i>	67
2. <i>Alcohol Concentration of 0.04 or More</i>	68
3. <i>Relationship to Impaired Driving under G.S. 20-138.1</i>	68
B. Sentencing	69
C. License Revocation	69

V. Open Container Offenses	70
A. Misdemeanor Offense: G.S. 20-138.7(a)	70
1. <i>Elements</i>	70
2. <i>Alcohol Screening Tests</i>	71
3. <i>Sentencing</i>	71
4. <i>License Revocation</i>	71
B. Infraction: G.S. 20-138.7(a1)	71
1. <i>Elements</i>	71
2. <i>Sentencing</i>	72
3. <i>Implied Consent Offense Procedures</i>	72
4. <i>License Revocation</i>	72
VI. Impaired Instruction	72
A. Elements	72
B. Sentencing	73
C. License Revocation	73
VII. Zero-Tolerance Offenses: Driving after Consuming by Person under 21, Driving School Bus/Child Care Vehicle after Consuming; Driving Commercial Motor Vehicle after Consuming	73
A. Generally	73
B. Driving after Consuming by Person under 21	74
1. <i>Elements</i>	74
2. <i>Sentencing</i>	74
3. <i>License Revocation</i>	74
C. Operating a Commercial Vehicle after Consuming Alcohol	75
1. <i>Elements</i>	75
2. <i>Sentencing</i>	76
3. <i>License Revocation</i>	76
D. Driving School Bus Vehicle/Child Care Vehicle/Ambulance/EMS Vehicle/ Firefighting Vehicle/Law Enforcement Vehicle after Consuming	76
1. <i>Elements</i>	76
2. <i>Alcohol Screening Test</i>	77
3. <i>Sentencing</i>	77
4. <i>License Revocation</i>	78
VIII. Driving While License Revoked	78
A. Violation of a No-Alcohol Condition of a Limited Driving Privilege	78
1. <i>Sentencing</i>	79
2. <i>License Revocation</i>	79
B. Driving in Violation of a Restriction Requiring Ignition Interlock	79
1. <i>Sentencing</i>	80
2. <i>License Revocation</i>	81

Chapter 3

Initial Appearances, Confinement, and Access to Witnesses 85

I. Introduction 85

II. Civil License Revocations 86

A. Conditions Requiring Civil License Revocation 87

 1. *Driving in Violation of an Alcohol Restriction That Is Not an Implied Consent Offense* 88

 2. *Driving in Violation of Ignition Interlock Restriction* 88

B. Affidavit and Revocation Report (AOC-CVR-1A) 89

C. Procedure if Report Filed at Initial Appearance 90

 1. *Exception for Revoked Licenses* 91

 2. *Revocation Order (AOC-CVR-2)* 91

 3. *Surrender of Driver’s License* 92

 4. *Affidavit of No License or Lost License (AOC-CVR-8)* 92

 5. *Driver’s License Pick-Up Order* 93

 6. *Revocation Period* 93

D. Procedure if Report Filed with Clerk of Court When the Person Is Not Present 93

 1. *Minimum Period of Thirty or Forty-Five Days* 94

 2. *Revocation Period if Pending Offense* 95

E. Multiple Offenses 95

F. Contesting a License Revocation (AOC-CVR-05) 95

G. Return of License 97

H. Nature of Revocation 97

III. Impaired Driving Holds and *State v. Knoll* 99

A. Denial of Access to Family and Friends in Implied Consent Cases 100

 1. *State v. Hill, 277 N.C. 547 (1971)* 100

 2. *State v. Knoll, 322 N.C. 535 (1988)* 101

 a. Defendant Knoll 101

 b. Defendant Warren 101

 c. Defendant Hicks 102

 d. *Knoll Court’s Analysis* 102

 3. *Right to Dismissal Based Upon a Constitutional, versus Statutory, Claim* 104

 4. *Prejudice: Proven or Presumed?* 104

 5. *Knoll’s Progeny* 106

 6. *State v. Labinski, 188 N.C. App. 120 (2008)* 107

 7. *Reconciling Hill, Knoll, and Their Progeny* 109

IV. Procedural Requirements Governing Holds and Notice in Implied Consent Cases 109

A. Impaired Driving Holds 110

B. Procedures for Gaining Access to Witnesses 111

C. 2006 Procedures and Knoll 112

 1. *State v. Daniel, 208 N.C. App. 364 (2010)* 113

 2. *State v. Kostick, ___ N.C. App. ___, 755 S.E.2d 411 (2014)* 114

 3. *Implications for Future Cases* 114

Chapter 4

Motions and Motions Procedures in Implied Consent Cases	119
I. Introduction	119
II. Trial Procedures for Implied Consent Offenses	119
A. Motor Vehicle Driver Privacy Protection Act of 2006	120
B. Summary Rulings	121
C. Preliminary Determinations	121
D. Appeal	121
1. <i>Time Limitation</i>	122
2. <i>No Appeal after Jeopardy Attaches</i>	122
3. <i>Appeal Procedures</i>	124
4. <i>Standard of Review</i>	125
5. <i>No Appeal from Superior Court’s Remand Order</i>	125
6. <i>Appeal from District Court’s Final Order</i>	126
III. Motions to Suppress	126
IV. Motions to Dismiss	130
A. Grounds	130
1. <i>The Defendant Has Been Denied a Speedy Trial</i>	131
a. <i>State Crime Lab Delays</i>	131
b. <i>Other Speedy Trial Claims</i>	133
2. <i>The Defendant’s Constitutional Rights Have Been Flagrantly Violated</i>	133
a. <i>Right to Communicate with Counsel and Friends</i>	133
i. <i>State v. Hill</i>	133
ii. <i>State v. Ferguson</i>	134
b. <i>Dismissal and Refiling</i>	135
B. Proper Remedies	137

Chapter 5

Sentencing under G.S. 20-179	143
I. Introduction	143
II. Sentencing Procedures	146
A. Sentencing Hearing in District Court	146
B. Sentencing Hearing in Superior Court	146
C. Standard of Proof	147
D. Levels of Punishment	148
E. Duties of Prosecutor in District Court	149
F. Duties of Prosecutor in Superior Court	150
III. Aggravating Factors	151
A. Grossly Aggravating Factors	151
1. <i>Qualifying Prior Conviction for an Offense Involving Impaired Driving</i>	152
a. <i>What Counts as a Conviction?</i>	152

b. What Is the Date of a Prior Conviction?	154
c. Proof of Prior Convictions	155
2. <i>Driving While License Revoked for an Impaired Driving Revocation under G.S. 20-28.2(a)</i>	156
a. Conviction-Based Revocations	158
b. Civil License Revocations	158
c. Previous Impaired Driving Revocations	159
d. NC DMV Records	159
e. Double Punishment, but No Double Jeopardy	159
3. <i>Serious Injury to Another Person Caused by the Defendant’s Impaired Driving at the Time of the Offense</i>	161
4. <i>Driving by the Defendant While a Child, Person with the Mental Capacity of a Child, or a Disabled Person Was in the Vehicle</i>	162
B. Aggravating Factors	163
1. <i>Gross Impairment of the Defendant’s Faculties While Driving or an Alcohol Concentration of 0.15 or More within a Relevant Time after the Driving</i>	164
2. <i>Especially Reckless or Dangerous Driving</i>	164
3. <i>Negligent Driving that Led to a Reportable Accident</i>	165
4. <i>Driving by the Defendant While His or Her Driver’s License Was Revoked</i>	165
5. <i>A Specified Conviction Record</i>	165
6. <i>Conviction under G.S. 20-141.5 of Speeding by the Defendant While Fleeting or Attempting to Elude Apprehension</i>	166
7. <i>Conviction under G.S. 20-141 of Speeding by the Defendant by at Least 30 Miles per Hour Over the Legal Limit</i>	166
8. <i>Passing a Stopped School Bus in Violation of G.S. 20-217</i>	167
9. <i>Any Other Factor that Aggravates the Seriousness of the Offense</i>	167
IV. Mitigating Factors	167
A. List of Mitigating Factors by Reference to G.S. 20-179(e) Subdivisions	168
1. <i>Slight Impairment of the Defendant’s Faculties, Resulting Solely from Alcohol, and an Alcohol Concentration that Did Not Exceed 0.09 at any Relevant Time after the Driving</i>	168
2. <i>Slight Impairment of the Defendant’s Faculties, Resulting Solely from Alcohol, with No Chemical Analysis Having Been Available to the Defendant</i>	168
3. <i>Driving at the Time of the Offense that Was Safe and Lawful Except for the Impairment of the Defendant’s Faculties</i>	168
4. <i>A Safe Driving Record</i>	168
5. <i>Impairment of the Defendant’s Faculties, Caused Primarily by a Lawfully Prescribed Drug for an Existing Medical Condition, and the Amount of Drug Taken Was within the Prescribed Dosage</i>	170
6. <i>Voluntary Submission to a Substance Abuse Assessment and to Treatment</i>	170
6a. <i>Completion of a Substance Abuse Assessment, Compliance with Its Recommendations, and 60 Days of Continuous Abstinence from Alcohol Consumption, as Proven by a Continuous Alcohol Monitoring (CAM) System</i>	170
7. <i>Any Other Factor that Mitigates the Seriousness of the Offense</i>	171
V. Levels of Punishment	171
A. Aggravated Level One	171
B. Level One	172
1. <i>Amendments Effective December 1, 2012</i>	173
C. Level Two	174
1. <i>Amendments Effective October 1, 2013</i>	174
2. <i>Amendments Effective December 1, 2012</i>	175

D. Level Three	175
E. Level Four	177
F. Level Five	178
G. Aider and Abettor Punishment	178
VI. Probationary Sentences	178
A. Incidents of Probation	178
B. Continuous Alcohol Monitoring	179
C. Limits on Special Probation	179
D. Length of Probation	180
E. Substance Abuse Assessment	180
F. Limits on Use of Supervised Probation	182
VII. Appeal	182
A. Vacating of Sentence	182
B. Remand for Resentencing	183
C. Appeal from Resentencing	183
D. Due Process Considerations	184
E. Withdrawal of an Appeal Following Resentencing	185
VIII. Service of a Sentence: Jail or Prison, Jail Credit and Parole	186
A. Jail or Prison	186
1. <i>Sentences Imposed on or after January 1, 2015</i>	186
2. <i>Sentences Imposed before January 1, 2015</i>	186
B. Jail Credit	187
1. <i>Time Served</i>	187
2. <i>Good Time Credit</i>	187
C. Credit for Inpatient Treatment	188
D. Service on Weekends	189
E. Concurrent, Consolidated, and Consecutive Sentences	190
F. Parole	192

Chapter 6

Refusal Revocations, Limited Driving Privileges, and License Restoration ..	209
I. Introduction	209
II. Revocation for Willfully Refusing a Chemical Test	209
A. NC DMV Hearing	210
B. Right to Hearing in Superior Court	211
C. Revocation for Willful Refusal by Person under 21	211
III. Commercial Driver’s License Disqualifications	212
IV. Limited Driving Privileges	213
A. Generally	213
B. Willful Refusal Privilege	213
1. <i>Eligibility Requirements</i>	214

2. Application and Hearing	215
3. Permissible Driving	215
a. Driving for Work-Related Purposes in Willful Refusal Cases	215
<i>i. Driving for Work during Nonstandard Hours</i>	216
b. Maintenance of Household Driving in Willful Refusal Cases	216
c. Alcohol Restriction in Willful Refusal Cases	216
d. Ignition Interlock	217
e. Form Order	217
C. Civil License Revocation Privilege	217
1. Revocations for Minimum Periods of 30 or 45 Days	217
2. Indefinite Civil License Revocation	218
3. Application for Privilege	218
4. Authorized Driving	218
a. Driving for Work-Related Purposes	219
<i>i. Driving for Work during Nonstandard Hours</i>	219
b. Alcohol Restriction	220
c. Form Petition and Order	220
D. Privilege Following DWI Conviction	220
1. Generally	220
2. Application for Privilege	220
3. Eligibility	221
a. Person Convicted of DWI in North Carolina	221
b. Drivers under 21 Not Eligible	221
c. DWI Convictions in Another State or in Federal Court	221
4. Revocations Extended Pursuant to G.S. 20-17.6	224
5. Authorized Driving	224
a. Driving for Work-Related Purposes	224
<i>i. Driving for Work during Nonstandard Hours</i>	225
b. Alcohol Restriction	225
c. Form Petition and Order	225
6. High-Risk Drivers	225
a. Limited Driving Privilege Requirements for High-Risk Drivers	226
b. Form Order	226
c. Exception for Employer-Owned Motor Vehicles	226
E. Privilege Following Driving after Consuming Conviction	226
1. Eligibility Requirements	227
F. Privilege Following Second or Subsequent Open Container Conviction	227
V. License Restoration	228
A. Generally	228
B. Alcohol Concentration Restrictions	228
1. 0.04 Restriction	229
2. 0.00 Restriction	229
3. Chemical Testing and Duration of Restriction	230
4. Reports of Violation	230
5. NC DMV Action and Hearing on Reported Alcohol Concentration Violation	230
C. Ignition Interlock Restriction	231

- D. Conditional Restoration after Specified Number of Years** 233
 - 1. Four-Year Revocations* 233
- E. Permanent Revocation** 233
 - 1. Restoration after Three Years* 234
 - 2. Restoration after Twenty-Four Months* 234
- F. Conditional Restoration Following Conviction of Habitual Impaired Driving** 235
- G. Conditional Restoration Following Impaired Driving and a Fatality** 235

Chapter 7

- Vehicle Seizure and Forfeiture** 255
 - I. Introduction** 255
 - II. Key Terms** 256
 - A. Motor Vehicle** 256
 - B. Offenses Involving Impaired Driving** 257
 - 1. Impaired Driving License Revocations* 257
 - 2. Driving without a Valid Driver’s License* 258
 - 3. Driving While Not Covered by Automobile Liability Policy* 258
 - 4. Motor Vehicle Owner* 259
 - III. Seizure and Impoundment** 259
 - A. Affidavit of Impoundment** 259
 - B. Exceptions to Seizure** 259
 - C. Executing an Order of Seizure** 260
 - D. Custody of Motor Vehicle** 260
 - E. Retrieval of Personal Property** 261
 - F. Notification of Impoundment** 261
 - G. Motor Vehicles Involved in Accidents** 261
 - IV. Release of Vehicles Pending Trial** 262
 - A. Permanent Release to a Defendant-Owner** 262
 - B. Permanent Release to an Innocent Owner** 263
 - C. Temporary Release to Motor Vehicle Owner Other than Defendant** 265
 - D. Permanent Release to Lienholder** 266
 - V. Expedited Sale** 266
 - A. Sentencing** 267
 - 1. Restitution* 267
 - 2. Registration Forfeiture* 267
 - VI. Forfeiture** 268
 - A. Trial Priority** 268
 - B. Forfeiture Hearing** 269
 - 1. Release to Innocent Motor Vehicle Owner* 270
 - 2. Release to Lienholder* 270
 - 3. Towing and Storage Charges* 271
 - 4. Release of Impounded Motor Vehicles* 271

VII. Sale and Proceeds 272

A. Sale 272

B. Sale Proceeds 272

C. Appeals 273

Chapter 8

Collateral Estoppel and *Corpus Delicti* 277

I. Collateral Estoppel 277

A. Prior Ruling Bars Reconsideration 278

B. No Collateral Estoppel Bar 279

C. Open Questions 280

II. *Corpus Delicti* 280

Tables

Table 5.1	Punishment for Covered Offenses Committed on or after October 1, 2013	195
Table 5.2	Punishment for Covered Offenses Committed on or after December 1, 2012, and before October 1, 2013	196
Table 5.3	Punishment for Covered Offenses Committed on or after December 1, 2011, and before December 1, 2012	197
Table 5.4	Punishment for Covered Offenses Committed on or after December 1, 2007, and before December 1, 2011	198
Table 6.1	Limited Driving Privileges for Implied Consent Offense Revocations	237
Table 6.2	License Revocations for Convictions of Implied Consent Offenses and Restoration Conditions	247

Preface

This book builds upon the foundation of an earlier publication by my colleagues, the late Ben F. Loeb, Jr. and James C. Drennan, *Motor Vehicle Law and The Law of Impaired Driving in North Carolina*. It is not, however, a new edition of that work, as this book focuses exclusively on the law of impaired driving and related implied consent offenses. This book does not cover other rules of the road, driver's license law, or motor vehicle liability insurance—topics that were addressed in Loeb and Drennan's earlier work.

My colleagues James Drennan, Robert Farb, and James Markham helped with the book by reading chapters and providing substantive feedback. The book is better as a result. Matt Osborne of the Administrative Office of the Courts also took time out of his busy schedule to read draft chapters. I'm grateful for his keen eye and his deep understanding of the law governing civil license revocations and vehicle forfeitures. Christopher Tyner performed a detailed cite-check of the entire book, and Melissa Twomey edited the work. Both of them improved the work technically and substantively. I welcome comments about this publication's scope, organization, or content. Comments may be sent to me at denning@sog.unc.edu.

This book is dedicated to my colleague and mentor James "Jim" Drennan, who retired this year after spending forty years on the faculty of the School of Government. I work in just one of the many legal fields that Jim covered during his time here. Jim's intellect and knowledge are vast, and I am lucky that he has shared so much of what he knows about motor vehicle law with me. What I appreciate even more, however, is the opportunity to observe a true role model. Jim's interactions with everyone—clients, colleagues, friends, and strangers—reflected the ideals of integrity, kindness, and humility. Jim has led and continues to lead a balanced, engaged, and meaningful life, and I am honored to travel in his wake.

Shea Riggsbee Denning
Chapel Hill
December 2014