

**Driver's License Revocations and Limited Privilege Authorizations
Statutory Citations**

I. Definitions

1. License -- G.S. 20-4.01(17)
2. Revocation -- G.S. 20-4.01(36)
3. Suspension -- G.S. 20-4.01(47)
4. Disqualification -- G.S. 20-4.01(5a)
5. Conviction -- G.S. 20-4.01(4a)
6. Impaired Driving License Revocation – G.S. 20-28.2(a)
7. Offense involving Impaired Driving – G.S. 20-4.01(24a)

II. Mandatory Revocation for Convictions

1. G.S. 20-13.2 -- Underage driver zero per se offense, or offense involving impaired driving if person is under 21
2. G.S. 20-16.1 -- Speeding over 15 mph over limit and over 55 mph (includes work zone charges) or over 80 mph
 - 30 day suspension for first offense; limited priv. authorized
 - 60 day suspension for second offense within 1 year, no limited priv. auth
3. G.S. 20-17
 - Manslaughter
 - DWI
 - Commercial DWI (if 0.06 or more alcohol concentration)
 - Felony (school bus injury, G.S. 20-217; Felony injury by vehicle, G.S. 20-141.4)
 - Hit and run
 - Perjury
 - 2 Reckless Driving or 2 aggressive driving or 1 or more reckless and one or more aggressive (w/i 12 months)
 - Reckless driving and illegal transportation
 - False name, statement to get license

- Death by vehicle or serious injury by vehicle (20-141.4)
- Assault with motor vehicle
- 2nd transporting open container under 20-138.7
- 2nd or subsequent conviction under commercial zero tolerance law under GS 20-138.2A
- Conviction under zero tolerance law for school or activity bus or child care vehicle under GS 20-138.2B
- Conviction of use of explosive, false bomb threats or hoaxes, possession of explosives, etc.
- 2nd larceny of motor fuel in 7 years

3. G.S. 20-17.3 -- ABC law violations

- G.S. 18B-302(b): underage purchase, attempt to purchase, possession or consumption
- G.S. 18B-302(a1): Giving alcohol to person under 21
- G.S. 18B-302(c): Aid/abet sale, gift, purchase of alcohol to a minor
- G.S. 18B-302(e): Fraudulent use of ID
- G.S. 18B-302(f): Allowing use of ID

Person whose license is revoked under 18B-302(a1) or 18B-302(c) is eligible for a limited driving privilege under G.S. 20-179.3.

4. G.S. 20-28 – DWLR; driving after notification for an impaired drivers license revocation; failure to appear for two years from date of the charge after being charged with an implied consent offense

- DWLR
 - 1st conviction: Revoked for an additional period of 1 year
 - May apply for license after 90 days
 - 2nd conviction: Revoked for additional 2 years
 - May apply for license after one year
 - 3rd conviction: Permanent revocation
 - May apply for license after 3 years

5. G.S. 20-28.1 -- Moving violation while revoked

- 1st violation: additional revocation of 1 year
- 2nd violation: additional revocation of 2 years
- 3rd violation: permanent revocation

6. G.S. 20-141.3(a), (c) -- Prearranged racing; betting on racing

- 3 year revocation – can apply for license in 18 months

7. G.S. 20-13.2(c1) – School conduct—not passing; alcohol, drugs or weapons at school; assaultive behavior
8. G.S. 20-13.2(c2) -- Under 18, conviction of use of explosive, false bomb threats, hoaxes, possession of explosive, etc.
9. G.S. 20-141.5 (d) -- Speeding to elude arrest
 - Misdemeanor: Up to 1 year suspension
 - Felony: 2 year revocation
 - May apply for limited privilege after 12 months of revocation
 - Felony with 3+ aggravators: 3 year revocation
10. G.S. 20-160.1 – Failure to yield resulting in serious bodily injury
 - 90 day suspension
11. G.S. 20-9(i)(3): Sex offender registration violation

III. Discretionary Revocation Based on Convictions

1. G.S. 20-13 -- Provisional licensee moving violations
2. G.S. 20-16(a)
 - (5) Point System
 - Within 3 years – 12 or more points
 - Or following reinstatement, within 3 years – 8 or more points
 - (6) Fraudulent use of license
 - (8) Illegal transportation
 - (8a) Impaired instruction (GS 20-12.1)
 - (9) 2 over 55 mph (includes work zone charges) (within 12 months)
 - (10) 1 over 75 mph (includes work zone charges)
 - (10a) 1 over 80 mph (includes work zone charges)
3. G.S. 20-141.3(b) -- Willful racing
4. G.S. 20-157(i) – Violation of “move over” law resulting in serious injury or death to emergency worker or law enforcement officer.
 - Limited privilege allowed if this is only basis for revocation.

IV. Limited Driving Privilege (Negates Specified Revocations)

1. G.S. 20-16(e1) -- negates G.S. 20-16(a) (9), (a) (10), (a)(10a) (speeding)
 - Limited privilege for up to to 12 months if defendant not convicted of any other motor vehicle moving violation within previous 12 months
2. G.S. 20-16.1 -- negates G.S. 20-16.1 (speeding 15 over, driving at least 55 mph; over 80 mph)

- Upon a first conviction (no prior within 7 years), trial judge may allow limited privilege for proper purposes reasonably connected with health, education and welfare of the person convicted and his family
3. G.S. 20-16.2(e) -- negates G.S. 20-16.2, 17(2) (willful refusal)
 - Limited privilege can be issued after 6 months of revocation and satisfaction of other conditions
 4. G.S. 20-179.3 -- negates G.S. 20-17(2) (impaired driving) (effective 12/1/07, different conditions apply to “high risk” drivers—with alcohol concentrations of .15 or more.)
 - (b)(2) negates G.S. 15A-1331A (revocation for a defendant convicted of a felony who refuses/violates probation)
 5. G.S. 20-138.7(h) -- negates G.S. 20-17(12) and -17(2) (transporting open container alcohol after consuming)
 6. G.S. 20-138.3(d) -- negates G.S. 20-13.2 (underage drivers zero tolerance)
 - Must be revoked solely for driving after consuming
 - Must be 18,19, or 20 years old
 - No previous conviction
 7. G.S. 110-142.2 -- negates G.S. 20-15.1
 8. G.S. 15A-1331A(d) -- negates G.S. 20-15.1 (probation revocation)
 9. G.S. 20-16.5 (p) -- negates G.S. 20-16.5 (CVR)
 10. G.S. 20-141.5 (d) -- negates G.S. 20-141.5 (driving to elude arrest)
 - Licensee with first felony conviction of driving to elude with only 2 agg factors may apply to sentencing court for limited privilege after 12 months of revocation
 - If person revoked under any other statute, limited privilege is invalid
 11. G.S. 20-166(e) -- negates G. S. 20-17(a)(4) (hit and run)
 - Upon 1st conviction of (a1) (injury), trial judge may allow limited privilege
 12. G.S. 20-16(e2) -- negates G.S. 20-17(a)(16) (larceny of motor fuel)
 13. G.S. 20-157(i) – negates G. S. 20-157(i) (“move over” violations)
 14. G.S. 20-17.3—negates GS 20-17.3 (giving alcohol to underage persons or aiding and abetting alcohol use of such persons)
 15. G.S. 20-20.1—negates G.S. 20-28(a) (DWLR), G.S. 20-28.1 (conviction of moving offense while revoked; effective 12/1/07). Must meet following conditions for limited privilege:
 - Meet compliance period:
 - 1 yr revocation – 90 day compliance;

- 2 year revocation-- 1 yr compliance;
- Permanent revocation – 2 yr compliance.
- Underlying or moving offense not involving impaired driving
- Revocation period for underlying offense has expired
- Revocation under G.S. 20-28(a) or G.S. 20-28.1 only
- Person not eligible for limited privilege under any other law
- Person has not held limited privilege under this section during previous 3 years
- No pending charges/unpaid MV fines
- Person's drivers license issued by another state has not been revoked by that state
- No G.S. 20-9(e),(f) bar

V. Revocations Not Based on Convictions

1. Failure to appear or pay fine, penalty, or cost -- G.S. 20-24.1
2. Non-resident violator compact -- G.S. 20-4.18 et seq.
3. Willful refusal to submit chemical analysis -- G.S. 20-16.2
4. Willful refusal to submit chemical analysis, under 21 – G.S. 20-13.2
5. 30-day, immediate revocation on impaired driving, commercial DWI and underage zero tolerance -- G.S. 20-16.5
5. Offenses in other jurisdictions
 - a) G.S. 20-16(a)(7) -- "commission" of offenses in other state
 - b) G.S. 20-16(a)(8b) -- military bases
 - c) G.S. 20-23 -- other state convictions
 - d) G.S. 20-23.2 -- federal court convictions
6. Violation of DMV probation
 - G.S. 20-16(c)
 - G.S. 20-16(d)
 - G.S. 20-19(d)
 - G.S. 20-19(e)
7. Failure to post security
 - G.S. 20-279.5
 - G.S. 20-279.13
 - G.S. 20-279.16
8. Incompetent person or person involuntarily committed for alcoholism -- G.S. 20-17.1
9. Failure to pay child support -- G.S. 20-15.1 (effective Dec. 1, 1996)
10. Conviction of felony and unsuccessful probation -- G.S. 20-15.1

11. Violation of per se levels imposed on license restored after certain convictions of offenses involving impaired driving – G.S. 20-19(c3) (eff. 7/1/2000)
12. Violation of conditions that require use of ignition interlock imposed on license restored after certain impaired driving revocations -- G.S. 20-17.7(g)
13. Failure of sex offender to register as required by law – G.S. 20-9(i)(3)

VI. Conditions Required to be Compiled with Before Revocation Ends

1. Failure to obtain assessment or complete ADETS or treatment in DWI cases -- G.S. 20-17.6
 - Cannot receive limited privilege if revocation is only in effect because of failure to obtain certificate of completion

VII. Commercial Driver Licenses -- Disqualifications -- G.S. 20-17.4

1. DWI -- G.S. 20-138.1
2. Driving commercial vehicle while impaired -- G.S. 20-138.2
3. Hit and run
4. Felony in the commission of which motor vehicle is used
4. Refusal when charged with an implied consent offense
5. Two serious violations in a commercial vehicle -- G.S. 20-4.01(41a); 20-17.4
6. Second or subsequent violation of commercial zero tolerance law—GS 20-138.2A
7. Civil revocation under G.S. 20-16.5, or similar revocation in another state
8. Vehicular homicide (death by vehicle or manslaughter) in a commercial vehicle
9. Driving commercial vehicle with a revoked or disqualified license

Limited Privileges
Special Topic Seminar -- Sentencing
April 2009
UNC School of Government
Shea Denning

- A. Junie Jacobs is 24 years old. She is convicted of a Level 5 DWI. The offense occurred when she was 20 years old. She has no previous criminal record. At sentencing, she requests that a limited privilege be issued. Is Ms. Jacobs eligible for a limited driving privilege?
1. Yes
 2. No
- B. Casey Cline is 20 years old. She pleads guilty to driving after consuming in violation of G.S. 20-138.3. The offense occurred when she was 19. She has no previous criminal record. Is Ms. Cline eligible for a limited driving privilege?
1. Yes
 2. No
- C. David Dear is 20 years old. He pleads guilty to a Level 5 DWI and driving after consuming in violation of 20-138.3. He has no previous criminal record. The offense occurred when he was 19. Is Mr. Dear eligible for a limited driving privilege?
1. Yes
 2. No
- D. Michael Mabe was charged with impaired driving on March 15, 2009. He refused to submit to a chemical analysis. His license was civilly revoked on March 15, 2009 based upon the refusal. He surrendered his license that day. DMV notified Michael by letter on March 20, 2009, that his license was revoked for 12 months, effective 10 days after the date of the letter, unless, before that date Michael filed a written request for hearing before DMV. Michael filed a written request for hearing on March 25, 2009. The hearing is scheduled for April 10, 2009. Michael applied on March 26, 2009 for a limited driving privilege pursuant to G.S. 20-16.5(p). Is he eligible?
1. Yes
 2. No

E. Sarah Shore was convicted of driving after consuming in violation of G.S. 20-138.3 on June 1, 2006. Her license was revoked for one year based upon that conviction. On April 1, 2006, Sarah was charged with driving while license revoked. She was convicted of DWLR on May 1, 2007. Sarah has no pending charges for any motor vehicle offense and no unpaid motor vehicle fines or penalties. She has never before held a limited privilege. Is Sarah eligible for a limited privilege under G.S. 20-20.1?

1. Yes
2. No

F. If the person is eligible, I

1. Always give a limited privilege
2. Usually do
3. Neither "always" or "usual" applies to my practice of awarding limited privileges
4. Never award a limited privilege

G. For a person with an interlock privilege:

1. I require that interlock already be installed on the vehicle
2. Issue the privilege contingent on the vehicle being hooked up
3. Post-date the privilege

H. I require interlock as a condition of a limited privilege:

1. Only when required by law
2. Sometimes in other cases

I. For a day-time, weekday driver, I

1. Usually limit times and routes of driving
2. Usually allow driving any time in that window of time
3. It depends on the case; there are no "usuals"