

# Limited Driving Privileges, Drivers License, and Chapter 20 Updates

November 2025

# GENERAL OVERVIEW

1. LDPS
2. DRIVERS LICENSES
3. DRIVERS LICENSE HEARINGS
4. CDLS AND DWIS
5. MEDICAL REVIEW
6. LEGISLATIVE CHANGES

# INITIAL DWI LIMITED DRIVING PRIVILEGE *Checklist*



1. Current status of driving privilege?
2. Has the CVR fee been paid?  
Clients may think LDP and CVR fee the same...
3. What was status of driving privilege at time of stop?  
Could be fine now, but suspended or expired then... look for any old FTAs, FTPs, or other suspensions buried in that record.
4. Age at time committed DWI offense, <21?
5. Hours and reasons for driving? (different for interlock LDP)
6. Financial responsibility and DL-123
7. Prior DWI within 7 years? (if so, may still be eligible)
8. Substance abuse assessment complied? (make sure provider is sending to DHHS, as DMV follows that it receives from DHHS)
9. **Right AOC form? (Double-check it)**

# Is the DWI LDP required to include an interlock?

1. Did the Defendant have a BAC of .15 or higher?
2. Was the Defendant at Level 2 DWI based solely on a prior DWI within seven years?

IF NOT, A REGULAR LDP MAY BE APPROPRIATE

# NON-INTERLOCK DWI LDP HOURS OF OPERATION

G.S. 20-179.3(f),(g1)

“Standard Working Hours” are 6:00 A.M. to 8:00 P.M. on Monday through Friday.

## Driving for Work-Related Purposes in Standard Working Hours.

Allowed 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).

LDP “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.”

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 person is self-employed, documentation must be attached or made part of the LDP

# NON-INTERLOCK DWI LDP

G.S. 20-179.3(g1)

## Driving for Work-Related Purposes in Nonstandard Hours

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.

# NON-INTERLOCK DWI LDP

G.S. 20-179.3(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.



# INTERLOCK LDPS

No 45-day waiting period

Most driving restrictions of regular LDP not applicable

Work vehicle?

Vehicles required for installation

BAC restriction changes for interlock for **NEW** restoration (despite restriction not operate with alcohol in body)

Affordability for interlock

Waiver of some costs form

<https://www.ncdot.gov/dmv/license-id/license-suspension/Documents/affidavit-indigence-hardship.pdf#search=interlock>

Review of waiver by DMV (19A NCAC 03K .0103)



# Interlock and LDPs

1. Check to make sure the correct LDP form is used
2. Use AOC-CR-340 (revised 12/2024)
3. If wrong form used, client would not receive interlock credit regardless of installation
4. Watch out for using AOC-CR-312 and adding interlock restriction
5. If refusal too.... Make sure to comply with GS 20-16.2 and GS 20-179.3 and use AOC-CR-313B

# LDPs...

## Don't Forget....

- ▶ Any subsequent suspension/revocation will end the LDP (including FTC/FTP and FTA)
- ▶ Client can no longer drive under that LDP
- ▶ Client will no longer get credit for interlock
- ▶ With Wake County procedure, don't forget to have client sign the back of LDP form prior to submittal/filing.



# Recent Changes to Ignition Interlocks LDPs

# New Level 2 LDPs

## **AOC-CR-347**

Session Law 2024-43  
(HB 250)

# G.S. 20-179.3(b)(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).

## STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice  
☐ District ☐ Superior Court Division

## STATE VERSUS

Name And Address Of Applicant

INTERLOCK LIMITED DRIVING PRIVILEGE  
IMPAIRED DRIVING WITH IMPAIRED DRIVING  
CONVICTION IN PRECEDING SEVEN YEARS  
(N.C. CONVICTIONS ONLY)

G.S. 20-179.3

Race	Sex	Height	Weight	Drivers License No.	State
Hair Color	Eye Color	Date Of Birth		Date Of Conviction	
Date Of Offense					

**NOTE:** Use AOC-CV-352B when the applicant's license was revoked for a conviction in another state or in a federal court. Use AOC-CR-340 when the applicant has been convicted of impaired driving under G.S. 20-138.1 but had not within the preceding seven (7) years been convicted of an offense involving impaired driving.

## FINDINGS

Upon application of the applicant for a limited driving privilege, the Court finds that:

1. The applicant has been convicted of impaired driving under G.S. 20-138.1;
2. At the time of the offense, the applicant held either a valid drivers license or a license that had been expired for less than one (1) year;
3. At the time of the offense the person did not have an alcohol concentration of 0.15 or more.
4. At the time of the offense, the applicant had within the preceding seven (7) years been convicted of not more than one (1) offense involving impaired driving;
5. Punishment level three, four, or five has been imposed upon the applicant for the offense of impaired driving, or punishment level two has been imposed and the Grossly Aggravating Factor determined to impose punishment level two was the Grossly Aggravating Factor provided in G.S. 20-179(c)(1);
6. Subsequent to the offense, the applicant has not been convicted of, or had an unresolved charge lodged against the applicant for an offense involving impaired driving;
7. The records of the Division of Motor Vehicles and the Clerk of Superior Court in this county have been searched, and there are no other revocations in effect at this time;
8. The applicant has obtained and filed with the court a substance abuse assessment;
9. ☐ a. The Court has been furnished a properly executed form DL-123 and is satisfied that the applicant is financially responsible.  
☐ b. The applicant has executed form DL-123A and is not required to furnish proof of financial responsibility.

## ORDER

It is ORDERED that the applicant be allowed a limited driving privilege to be effective on the date indicated below to be used in accordance with the restrictions imposed on the reverse of this form, and to:

- ☐ expire one year  
☐ expire four years (select this if applicant was convicted of another offense involving impaired driving that occurred within the three years immediately preceding the current offense. G.S. 20-19(d).)  
☐ last permanently (select this if applicant was convicted of two or more previous offenses involving impaired driving, the most recent having occurred within the five years immediately preceding the current offense. G.S. 20-19(e).)

from the date on which the Division of Motor Vehicles revokes the applicant's drivers license pursuant to G.S. 20-17(a)(2). This limited driving privilege is conditioned upon the maintenance of any financial responsibility required by G.S. 20-179.3(l) during the period of this privilege.

Effective Date

Date

**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.


Signature Of Judge

Name Of Judge (type or print)

Original - File

Certified Copy - Applicant  
(Over)

Copy - DMV



# Interlock and Violations

CONTEMPT OF COURT ORDER?  
MODIFICATIONS?  
REVOCATION OF LDP?



# DMV & Interlock De-install on LDP

## G.S. 20-179.3

. . . 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.

# LDP INTERLOCK REPORTING

## G.S. 20-179.3(g3)(2) & (g5)(2)

All approved vendors shall report all:

1. attempts to start the vehicle with an alcohol concentration greater than 0.02 or
2. any other violations of the interlock policies established by the Division for use of an ignition interlock system or
3. a violation of G.S. 20-17.8A to the Commissioner in accordance with Division requirements.

# INTERLOCK and VIOLATIONS

## G.S. 20-179.3(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 "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. 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. and the right to appeal in accordance with Division policy.

# INTERLOCK LDP VIOLATIONS

- ▶ Interlock LDP for DWI suspension

(For example, from January 1, 2025 to January 1, 2026)

- ▶ In last 90 days of this one-year suspension, defendant violates the restrictions under G.S. 20-179.3(j2)

(For example, provides a 0.05 reading on October 2, 2025)

- ▶ 90 days is added on to the original DWI suspension and the LDP is good for another 90 days absent other action by the Court or DMV (for other reasons)

(DWI suspension now ends April 2, 2026, as does the LDP)

- ▶ Every violation after January 1, 2026 will add more time for the defendant to have 90 days with no violations. The DWI suspension and the LDP continue on absent other action by the Court or DMV (for other reasons)

- ▶ For processing, DMV will add the number of days from the past end date to the violation onto the newest end date to obtain 90 days.

(So, if have violation in last 90 days of original DWI suspension the past end date would be January 1, 2026 and the newest end date for the DWI suspension is April 1, 2026. With any violation after January 1, 2026, time between that past date of the suspension and the violation date is added on to April 1, 2026. (So, if go 20 days after January 1, 2026 (i.e., January 21, 2026) the DWI suspension is extended for 20 days and that 20 days is added to April 1<sup>st</sup>. The new DWI suspension end date is now April 21, 2026. This allows for 90 days of no violations for compliance.)

- ▶ Every new violation again adds time.

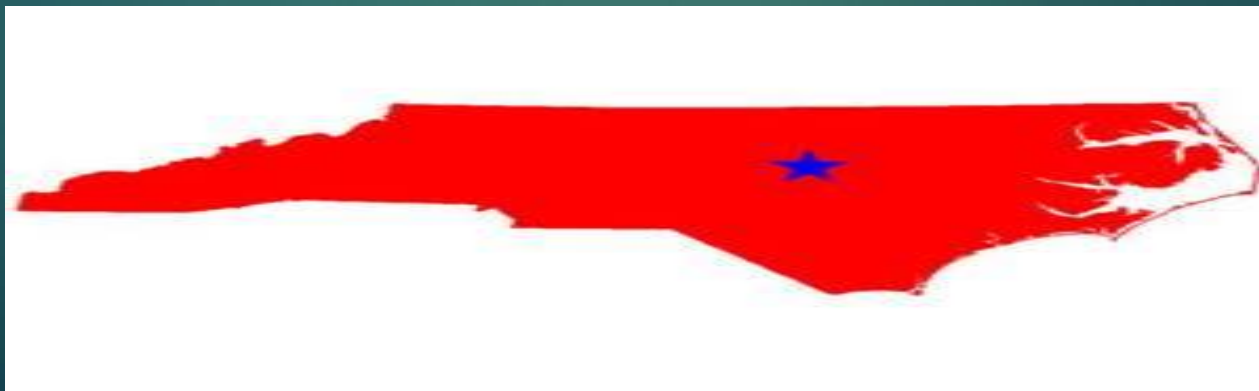
# REMINDER

## (DEFENDANT'S RESPONSIBILITY)

If required to have the Interlock restriction, defendant must have a device certified by NCDMV.

No credit will be given for Interlock Service Providers not certified in this State.

***Watch out for out-of-state service providers....regardless of name.***



# Interlock and Mitigation

Voluntary Interlock as a mitigating factor effective for offenses committed after 12/1/2025

Defendant did not start the vehicle with any violations. (BAC .02 or other DMV violations)

Eligible if...

1. Defendant was charged with an offense under G.S. 20-138.1.
2. Vehicle for DWI involved at the time of the offense was not in a crash with serious injury/death
3. Defendant had a valid drivers license or expired for less than one year.
4. Defendant not have any pending charge involving impaired driving or DWI within 5 years of offense
5. Defendant not have BAC .15 or higher with this DWI.
6. Defendant gets interlock installed within 45 days of DWI charge
7. Defendant only operated the designated motor vehicle with a LDP or during a time when the defendant's drivers license was not revoked or suspended



# CVR PRETRIAL LDP FOR 30 OR 45 DAY REVOCATION

Controlled by G.S. 20-16.5(p)

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.

- ▶ 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.



# CVR INDEFINITE



G.S. 20-16.5(e),(f)

If at the time of the current offense, the person has one or more pending offenses for which his license had been or is revoked under this section, the revocation shall remain in effect until a final judgment, including all appeals, has been entered for the current offense and for all pending offenses.

# CVR PRETRIAL LDP FOR INDEFINITE PRETRIAL REVOCATION

Controlled by G.S. 20-16.5(p)

1. 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.
  2. 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.

# CVR UPDATES

DMV updates the record when it gets an Order rescinding a CVR. If still on record, DMV may not have received the Order.

Defendant needs to make sure driving record is accurate.

Clerk can:

Email to DMV at [AOC@ncdot.gov](mailto:AOC@ncdot.gov)

Fax to DMV at (919) 715-1947

Mail to DMV at:

NCDMV, Adjudications Unit

3118 Mail Service Center

Raleigh, NC 27697

**Attorney can email DMV with updates to [courtdocs@ncdot.gov](mailto:courtdocs@ncdot.gov)**

# LDP UNDER 21



G.S. 20-138.3

1. Convicted under G.S. 20-183.3 only with no DWI conviction.
2. Defendant is 18, 19, or 20 on date of offense.
3. No prior conviction of G.S. 20-183.3.
4. Otherwise meet terms of G.S. 20-179.3 for regular LDP.

No LDP for any DWI committed by a person under 21  
regardless of age when convicted

# SPEEDINGS AND G.S. 20-16

## G.S. 20-16(e1)

Defendant has a conviction and is suspended under:

G.S. 20-16(a)(9) Has, within a period of 12 months, been convicted of:

- ▶ (i) two or more charges of speeding in excess of 55 and not more than 80 miles per hour,
- ▶ (ii) one or more charges of reckless driving and one or more charges of speeding in excess of 55 and not more than 80 miles per hour, or
- ▶ (iii) one or more charges of aggressive driving and one or more charges of speeding in excess of 55 and not more than 80 miles per hour;

G.S. 20-16(10) Has been convicted of operating a motor vehicle at a speed in excess of 75 miles per hour on a public road or highway where the maximum speed is less than 70 miles per hour;

G.S. 20-16(10a) Has been convicted of operating a motor vehicle at a speed in excess of 80 miles per hour on a public highway where the maximum speed is 70 miles per hour.

## KEYS

1. Upon the first suspension only (DMV looks at all types of suspensions/revocations)
2. Only good for 12 months
3. Defendant not been convicted of any other motor vehicle moving violation within the previous 12 months. (DMV goes 12 months from conviction date of current speeding)
4. The limited driving privilege shall be issued in the same manner and under the terms and conditions prescribed in G.S. 20-16.1 (b) (coming up in slides)

# SPEEDINGS AND G.S. 20-16.1



Division shall suspend for a period of 30 days the license of any driver without preliminary hearing on receiving a record of the driver's conviction of either

- (i) exceeding by more than 15 miles per hour the speed limit, either within or outside the corporate limits of a municipality, if the person was also driving at a speed in excess of 55 miles per hour at the time of the offense, or
- (ii) driving at a speed in excess of 80 miles per hour at the time of the offense.

## LDP

1. First conviction of above only
2. Judge "may when feasible allow a limited driving privilege or license to the person convicted for proper purposes reasonably connected with the health, education and welfare of the person convicted and his family."
3. For purposes of determining whether conviction is a first conviction, no prior offense occurring more than seven years before the date of the current offense shall be considered.
4. Judge may impose upon such limited driving privilege any restrictions as in his discretion are deemed advisable including, but not limited to, conditions of days, hours, types of vehicles, routes, geographical boundaries and specific purposes for which limited driving privilege is allowed.
5. Such permit issued hereunder shall be valid for 30 days from the date of issuance by trial court. Such permit shall constitute a valid license to operate motor vehicles of the class or type that would be allowed by the person's license if it were not currently revoked upon the streets and highways of this or any other state in accordance with the restrictions noted thereon and shall be subject to all provisions of law relating to driver's license, not by their nature, rendered inapplicable.

# VARIOUS LDPS

## G.S. 20-141.5 (Felony Speeding to Elude Arrest)

- ▶ If only two aggravating factors are present, Defendant receives a two-year suspension. After one year, defendant may apply for LDP.
- ▶ Court issues consistent LDPs under GS 20-16.1(b)
- ▶ No LDP for defendants with three-year revocation
- ▶ **No LDP for defendants convicted of misdemeanor Speeding to Elude Arrest who have a one-year suspension.**



# VARIOUS LDPS

G.S. 20-20.1 and G.S. 20-28 & G.S. 20-28.1

(DWLR AND MOVING VIOLATIONS)

- (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. (one-year suspension is 90 days, two-year suspension is 1 year, and permanent suspension is 2 years.
- (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

# TERMS OF LDP UNDER G.S. 20-20.1

- ▶ G.S. 20-20.1 (e)-(h) delineates the scope of the driving allowed, which is like DWI, but more flexibility with maintenance of household
- ▶ Defendant must show financial responsibility
- ▶ Not consume alcohol
- ▶ Other restrictions Court deems reasonable
- ▶ Valid for maximum of one year or remaining term of suspension under one year, whichever shorter.

# VARIOUS LDPS

## G.S. 20-16 (e2) (Larceny of Motor Fuel)

Defendant has a conviction and is suspended for “[a] second or subsequent conviction of larceny of motor fuel under G.S. 14-72.5.

A conviction for violating G.S. 14-72.5 is a second or subsequent conviction if at the time of the current offense the person has a previous conviction under G.S. 14-72.5 that occurred in the seven years immediately preceding the date of the current offense.

## KEYS

1. Only good for the term of that revocation (for the second conviction its 90 days for the third or subsequent its 180 days under G.S. 20-19(g2).
2. The limited driving privilege shall be issued in the same manner and under the terms and conditions prescribed in G.S. 20-16.1 (b) (coming up in slides)

# VARIOUS LDPS

## G.S. 20-217 (passing school bus)

Any person violating this section shall be guilty of a Class 1 misdemeanor and shall pay a minimum fine of five hundred dollars (\$500.00). A person who violates subsection (a) of this section shall not receive a prayer for judgment continued under any circumstances.

Any person who willfully violates subsection (a) of this section and strikes any person shall be guilty of a Class I felony and shall pay a minimum fine of one thousand two hundred fifty dollars (\$1,250). Any person who willfully violates subsection (a) of this section and strikes any person, resulting in the death of that person, shall be guilty of a Class H felony and shall pay a minimum fine of two thousand five hundred dollars (\$2,500).

The Division shall revoke, for a period of one year, the drivers license of a person convicted of a second misdemeanor violation under this section within a three-year period. The Division shall revoke, for a period of two years, the drivers license of a person convicted of a Class I felony violation under this section. The Division shall revoke, for a period of three years, the drivers license of a person convicted of a Class H felony violation under this section. The Division shall permanently revoke the drivers license of (i) a person convicted of a second felony violation under this section within any period of time and (ii) a person convicted of a third misdemeanor violation under this section within any period of time.

In the case of a first felony conviction under this section, the licensee may apply to the sentencing court for a limited driving privilege after a period of six months of revocation, provided the person's drivers license has not also been revoked or suspended under any other provision of law. A limited driving privilege issued under this subsection shall be valid for the period of revocation remaining in the same manner and under the terms and conditions prescribed in G.S. 20-16.1 (b). If the person's drivers license is revoked or suspended under any other statute, the limited driving privilege issued pursuant to this subsection is invalid.

# VARIOUS LDPS

G.S. 15A-1331.1 (license forfeiture for felony)



Upon conviction of a felony, an individual automatically forfeits the individual's licensing privileges for the full term of the period the individual is placed on probation by the sentencing court at the time of conviction for the offense, if:

(1) The individual is offered a suspended sentence on condition the individual accepts probation and the individual refuses probation, or

(2) The individual's probation is revoked or suspended, and the judge makes findings in the judgment that the individual failed to make reasonable efforts to comply with the conditions of probation.

(c) Whenever an individual's licensing privileges are forfeited under this section, the judge shall make findings in the judgment of the licensing privileges held by the individual known to the court at that time, the driver's license number and social security number of the individual, and the beginning and ending date of the period of time of the forfeiture. The terms and conditions of the forfeiture shall be transmitted by the clerk of court to the Division of Motor Vehicles, in accordance with G.S. 20-24 and to the licensing agencies specified by the judge in the judgment. A licensing agency, upon receiving notice from the clerk of court, shall require the individual whose licensing privileges were forfeited to surrender the forfeited license issued by the agency and shall not reissue a license to that individual during the period of forfeiture as stated in the notice. Licensing agencies are authorized to establish procedures to implement this section.

(d) Notwithstanding any other provision of this section, the court may order that an individual whose licensing privileges are forfeited under this section be granted a limited driving privilege in accordance with the provisions of G.S. 20-179.3

If suspended/revoke for another reason, this LDP will be invalid.

# VARIOUS LDPS

G.S. 20-24.1

1. Person revoked for FTP(FTC) and no other reason
2. Good for one year or until any fine, penalty, or court costs ordered by the court are paid.
3. Court may grant the limited driving privilege in the same manner and under the terms and conditions prescribed in G.S. 20-16.1.
4. A person is eligible to apply for a limited driving if the person has not had a limited driving privilege granted within the three years prior to application.



# VARIOUS LDPS

- ▶ G.S. 20-154 (unsafe movement and damage/injury)
- ▶ G.S. 20-157(Approach on emergency vehicles and injury/death)
- ▶ G.S. 20-166(leaving scene of wreck and injury, but not serious injury or death) S.L. 2025-71





# DRIVERS LICENSE RESTORATION AFTER DWI

# Four questions to ask...

1. Was this client sentenced with an aggravated Level One punishment under G.S. 20-179(f3)?

G.S. 20-17.8(a)(3)

2. Does my client have any prior convictions for an implied consent offense in the last seven years?

G.S. 20-17.8(a)2); G.S. 20-4.01 (24a)

3. Did the charging officer/chemical analyst send an Affidavit and Revocation Report to DMV showing a .15 or higher?

G.S. 20-17.8(a)(1)

4. Offense under G.S. 20-141.4 (except Mis. Death)

(Don't forget, this may include a later Affidavit and Revocation Report from the analyst of any blood tests...)

# Convictions under G.S. 20-141.4 and Interlock

- (a1) Felony Death by Vehicle.
- (a3) Felony Serious Injury by Vehicle.
- (a4) Aggravated Felony Serious Injury by Vehicle.
- (a5) Aggravated Felony Death by Vehicle.
- (a6) Repeat Felony Death by Vehicle Offender.

Misdemeanor Death excluded

Session Law 2024-30 (HB 199)(Sec 2)  
Session Law 2024-43 (HB 250) (repealed of Sec 2)

# Things to remember

- ▶ If interlock is required at drivers license restoration, the client will need **an interlock for any required road test.** (in many cases a **road** test can be required following a revocation)
- ▶ If drivers license expires during a restriction time period, the credit on that restriction is stayed pending a new issuance.

# Interlock and license Restoration

*G.S. 20-17.8 (effective for offenses on or after 6-1-2022)*

(C1) VEHICLES SUBJECT TO REQUIREMENT. - A PERSON SUBJECT TO THIS SECTION SHALL DESIGNATE IN ACCORDANCE WITH THE POLICIES OF THE DIVISION ANY REGISTERED VEHICLES OWNED BY THAT PERSON THAT THE PERSON OPERATES OR INTENDS TO OPERATE AND HAVE THE DESIGNATED VEHICLES EQUIPPED WITH A FUNCTIONING IGNITION INTERLOCK SYSTEM OF A TYPE APPROVED BY THE COMMISSIONER. **THE COMMISSIONER SHALL NOT ISSUE A LICENSE TO A PERSON SUBJECT TO THIS SECTION UNTIL PRESENTED WITH PROOF OF THE INSTALLATION OF AN IGNITION INTERLOCK SYSTEM IN AT LEAST ONE OF THE PERSON'S DESIGNATED VEHICLES.** THE COMMISSIONER SHALL CANCEL THE DRIVERS LICENSE OF ANY PERSON SUBJECT TO THIS SECTION FOR OPERATING A VEHICLE THAT HAS NOT BEEN DESIGNATED AND EQUIPPED WITH A FUNCTIONING IGNITION INTERLOCK SYSTEM IN ACCORDANCE WITH THIS SUBSECTION, OR REMOVAL OF THE IGNITION INTERLOCK SYSTEM FROM ANY DESIGNATED MOTOR VEHICLE OWNED BY THE PERSON, OTHER THAN WHEN CHANGING IGNITION INTERLOCK PROVIDERS OR UPON SALE OF THE DESIGNATED VEHICLE.

# License Restoration

## G.S. 20-17.8(g1)

Effect of Ignition Interlock System Violation During Final 90-Day Period. –

Notwithstanding subsection (f) or (g) of this section, a person subject to this section **who commits an ignition interlock system violation during the 90-day period immediately preceding the date on which the person's length of requirement set forth in subsection (c) of this section is to end shall have the period of compliance with subsection (b) 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 "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 (b) 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 license holder 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 license by first class mail to the address on file with the Division.

# DRIVERS LICENSE AND INTERLOCK VIOLATIONS

- ▶ If violation in the first 275 days of the interlock restriction subject to a one-year suspension. If violation in the last 90 days of one year restriction, suspension will be extended.

(For example, drivers license interlock restriction from January 1, 2025 to January 1, 2026)

- ▶ In last 90 days of this one-year restriction defendant violates the restrictions under G.S. 20-17.8

(For example, provides a 0.05 reading on October 2, 2025)

- ▶ 90 days is added on to the original drivers license suspension time period.

(Drivers license restriction now ends April 2, 2026)

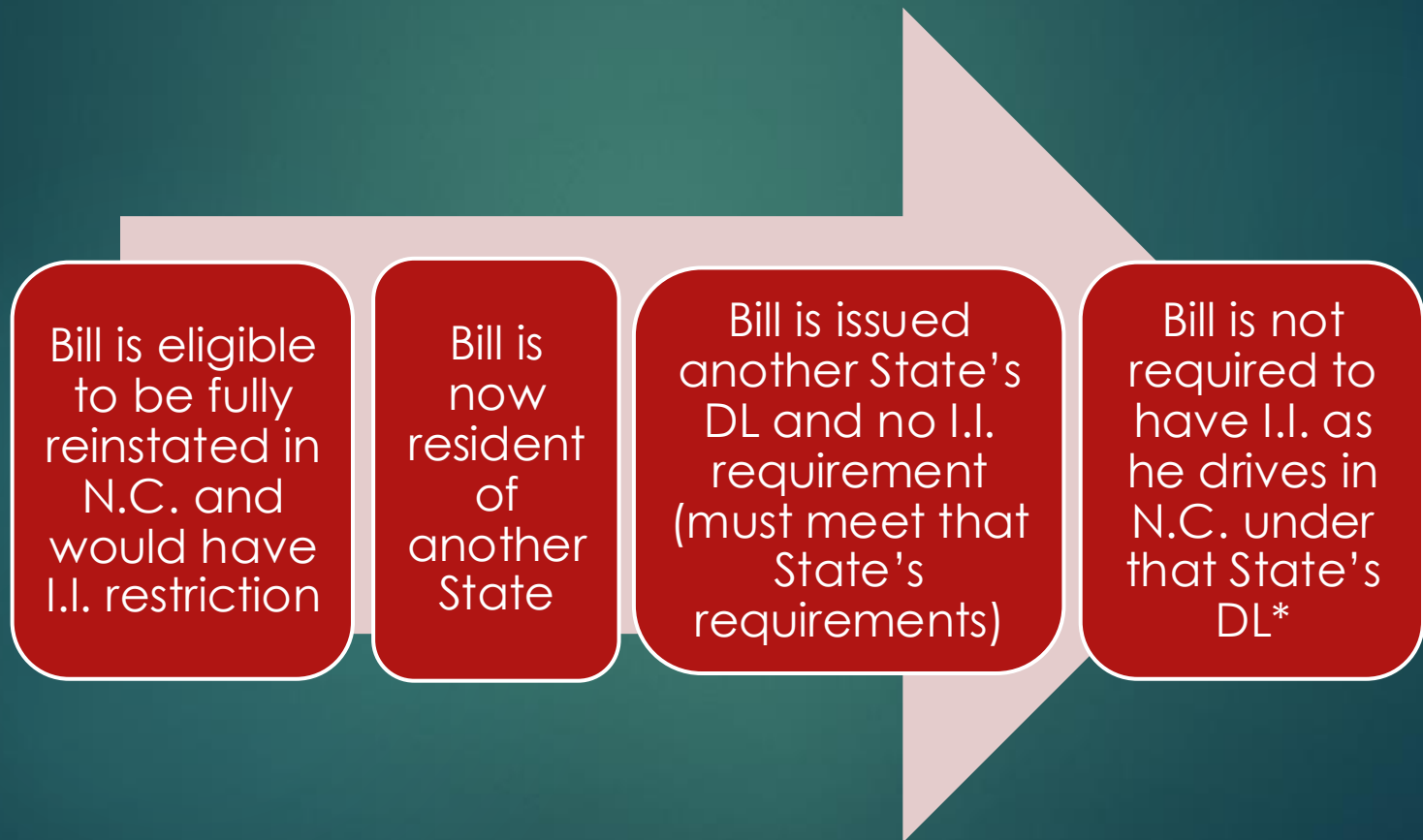
- ▶ Every violation after January 1, 2026 will add more time for the defendant to have 90 days with no violations. The drivers license restriction will continue on absent other action by DMV (for other reasons)
- ▶ For processing, DMV will add the number of days from the past end date of the restriction to the violation onto the newest end date of the restriction to obtain 90 days.

(So, if have violation in last 90 days of original drivers license restriction time period the past end date would be January 1, 2026 and the newest end date of the restriction is April 1, 2026. With any violation after January 1, 2026, time between that past date and the violation date is added on to April 1, 2026. (So, if go 20 days after January 1, 2026 (i.e., January 21, 2026) the drivers license restriction is extended for 20 days and that 20 days is added to April 1<sup>st</sup>. The new drivers license restriction end date is now April 21, 2026. This allows for 90 days of no violations for compliance.)

Every new violation again adds time



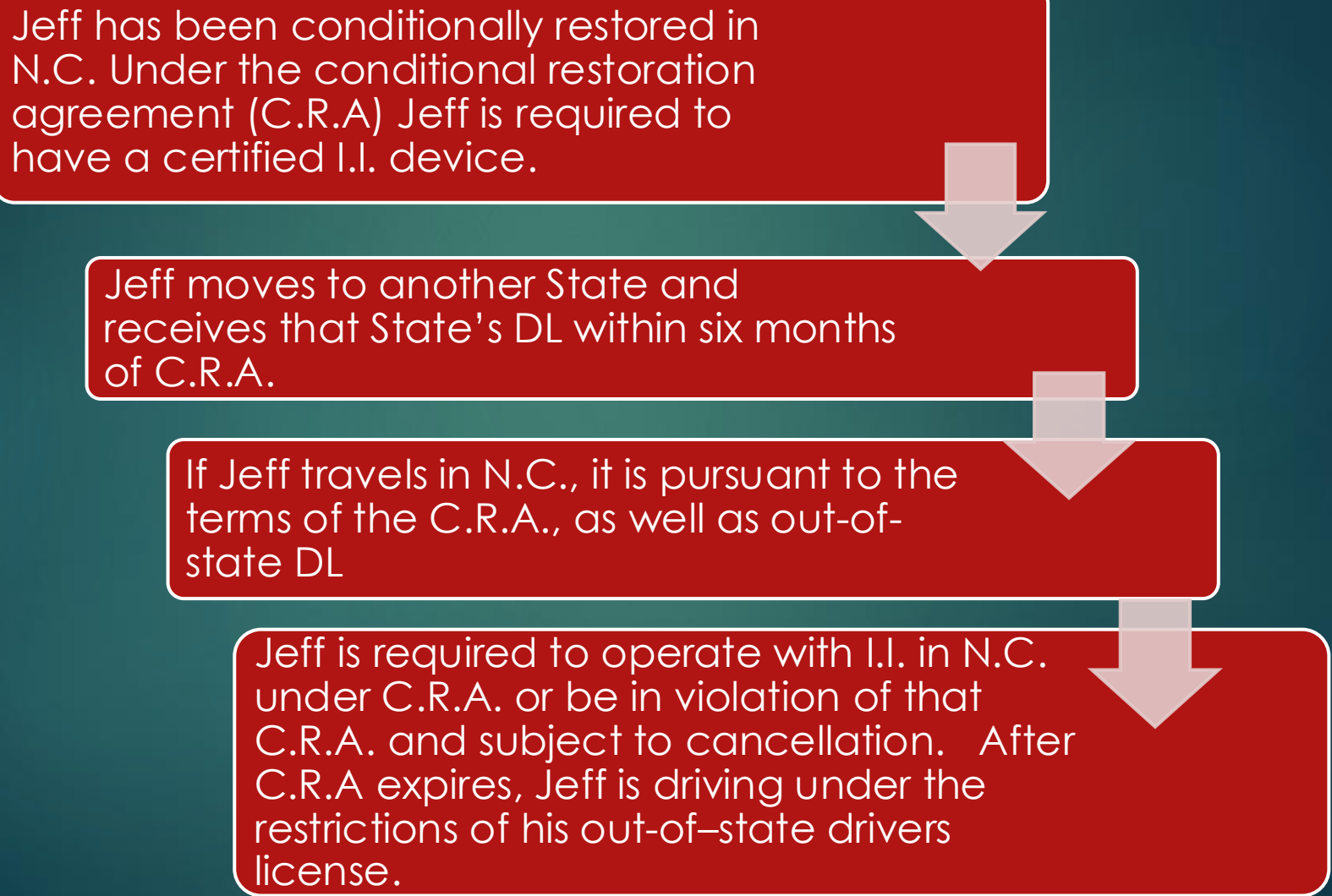
# Client Moves out of N.C.?



\* If client gives prior info, watch out... If Bill comes back to NC, he will have I.I. restriction.

# Conditionally restored and client moves or is out-of-state resident

Jeff has been conditionally restored in N.C. Under the conditional restoration agreement (C.R.A) Jeff is required to have a certified I.I. device.



```
graph TD; A[Jeff has been conditionally restored in N.C. Under the conditional restoration agreement (C.R.A) Jeff is required to have a certified I.I. device.] --> B[Jeff moves to another State and receives that State's DL within six months of C.R.A.]; B --> C[If Jeff travels in N.C., it is pursuant to the terms of the C.R.A., as well as out-of-state DL]; C --> D[Jeff is required to operate with I.I. in N.C. under C.R.A. or be in violation of that C.R.A. and subject to cancellation. After C.R.A expires, Jeff is driving under the restrictions of his out-of-state drivers license.];
```

Jeff moves to another State and receives that State's DL within six months of C.R.A.

If Jeff travels in N.C., it is pursuant to the terms of the C.R.A., as well as out-of-state DL

Jeff is required to operate with I.I. in N.C. under C.R.A. or be in violation of that C.R.A. and subject to cancellation. After C.R.A expires, Jeff is driving under the restrictions of his out-of-state drivers license.

# G.S. 20-19 and ACR



First offender is an ACR of .04

Convicted of DWI in a CMV, HDWI, and/or fatality, ACR is .02

Under 21 driving after consuming, etc. ACR is .00

Do they want to get duplicate license showing the interlock restriction is over and the ACR has changed?

G.S. 20-17.8 & G.S. 20-19(c3)(2)

# G.S. 20-19, ACR Restriction, and Prior DWI

A person with a prior DWI over three years and within seven years has the interlock requirement under G.S. 20-17.8 for one year.

If Interlock LDP, not owe interlock at restoration. Their alcohol concentration restriction (ACR) will be set at .00.

**If no Interlock LDP, they owe one year of interlock at restoration. That ACR for the year of the interlock is .02. After that year, the ACR on their license moves to a .00.**

Do they want to get duplicate license showing the interlock restriction is over and the ACR has changed?

G.S. 20-17.8 & G.S. 20-19(c3)(2) & (5)

# DMV Hearing Fees

## The Procedures

19A NCAC 03K .0101

<http://reports.oah.state.nc.us/ncac/title%2019a%20-%20transportation/chapter%2003%20-%20division%20of%20motor%20vehicles/subchapter%20k/19a%20ncac%2003k%20.0101.pdf>

## The Costs

19A NCAC 03K .0102

<http://reports.oah.state.nc.us/ncac/title%2019a%20-%20transportation/chapter%2003%20-%20division%20of%20motor%20vehicles/subchapter%20k/19a%20ncac%2003k%20.0102.pdf>

# DMV Hearing Forms

Forms that can be used:

<https://www.ncdot.gov/dmv/forms/>

## 1. Requesting a hearing

<https://www.ncdot.gov/dmv/downloads/Documents/HF-001.pdf>

## 2. Waiver of Fees

<https://www.ncdot.gov/dmv/downloads/Documents/hearing-fee-waiver.pdf>

## 3. Cancelling a hearing

<https://www.ncdot.gov/dmv/downloads/Documents/HF-004.pdf>

## DMV's website info about hearing fees:

<https://www.ncdot.gov/dmv/offices-services/administrative-hearings/Pages/fees.aspx>

# DMV Hearings



You have 30 days to request  
hearing in most cases

AND

Pay and request online!

<https://www.ncdot.gov/dmv/offices-services/administrative-hearings/Pages/default.aspx>



# DMV Hearings and Due Process

## Edwards v. Jessup

282 N.C. App. 213, 870 S.E.2d 706 (2022)

No Due Process Violation with Hearing Officer at  
DMV

## Garner v. Jessup

No. COA23-310 (filed 31 December  
2024) (unpublished)

(Petitioner PDR pending)

Admissibility of Affidavit and Revocation Report &  
Officer not present at hearing

# Conditional Restoration

1. Come prepared with witnesses that see Petitioner on regular basis (witnesses bring IDs too)
2. Be honest
3. CAM?
4. Why should the Conditional Restoration be allowed?
5. Read the terms of the Conditional Restoration Agreement and Addendum
6. Contaminate Review, fee, and non-payment
7. Virtual hearing for client in non-bordering State
8. Watch when change vehicles
9. Want camera if other driver?
10. BAC restriction has not changed

# DMV Hearings

A few things to note:

- ▶ Pending charges do not block conditional restoration eligibility but review the agreement as later convictions can affect restoration.
- ▶ Hearing requests go to the address noted in the letter, DMV drivers license office, or online. Don't send request or money to a local hearing officer.
- ▶ Make your objections at the hearing.
- ▶ Could your client be called to testify?

# Expunctions

1. Automatic expunctions are back
2. Application for Certificate of Expunction AOC-G-260

[https://www.nccourts.gov/assets/documents/forms/g260\\_4.pdf?3.BS8LHNuY\\_f45xasdLvHUc65Eh99Fl](https://www.nccourts.gov/assets/documents/forms/g260_4.pdf?3.BS8LHNuY_f45xasdLvHUc65Eh99Fl).

3. Let DMV know if you still see FTA

# Record Updates for DMV

- ▶ Attorneys can email DMV for record updates.

[Courtdocs@ncdot.gov](mailto:Courtdocs@ncdot.gov)

- ▶ Remember that DMV is a recordkeeper. If not entered on the court system, go to courts first.
- ▶ Email is not for legal questions, just updates.

# FTC and assistance

## Johnson, et. al. v. Jessup

- ▶ Form for relief from fines and costs (AOC-CR-415)

[https://www.nccourts.gov/assets/documents/forms/cr415\\_3.pdf?VersionId=.nS22gZSK7rAHve63oys0MBaQUlouACa](https://www.nccourts.gov/assets/documents/forms/cr415_3.pdf?VersionId=.nS22gZSK7rAHve63oys0MBaQUlouACa)

- ▶ Websites for class action

<https://www.ncdmvsettlement.org> <https://resolvetrafficdebtnc.org/>

- ▶ Website explains what to do

- ▶ <https://resolvetrafficdebtnc.org/faq/#:~:text=There%20are%20two%20ways%20to%20resolve%20a%20suspension,to%20pay%2C%20and%20the%20debt%20should%20be%20eliminated.>

# CDLs and DWIs

## Major violations and disqualifications

49 CFR § 383.51

<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-383/subpart-D>

New...G.S. 20-17.4(a)(10) (Fraud)

Reporting Other State Convictions, Suspensions, etc.

G.S. 20-37.18, G.S. 20-37.20, Sess. Law 2024-30

**New...Clearinghouse and Drug Testing**

**G.S. 20-17.4 & Sess. Law 2024-30**



# CDL Disqualification (DSQ)

G.S. 20-17.4

CVR, Refusal and DWI all cause a DSQ

G.S. 20-17.4(c) Person “. . .either uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance or is the holder of a commercial drivers license at the time of the commission of any such felony.”

There is no LDP to operate a CMV

Interlock owed?

School Bus Endorsements

English language proficiency?

# DMV Medical Review

Referrals from:

Crash Reports

Doctors, law enforcement, driver license examiner,  
family, friends, and just about anyone

DMV form to report

<https://www.ncdot.gov/dmv/downloads/Documents/medical-request.pdf>

Court Orders on Competency or Addictions

0	5
0	10
1	10
14	13
0	12
0	12
7	13
	12
	15
	17
	18
	15

# What to look at with Crash Reports

1. Block #35 asks about “Physical Condition”  
(#6 is Medical Condition)

## Manual

[https://connect.ncdot.gov/resources/safety/TeppI/TEPPL%20All%20Documents%20Library/C34\\_M\\_99.pdf](https://connect.ncdot.gov/resources/safety/TeppI/TEPPL%20All%20Documents%20Library/C34_M_99.pdf)

## Quick and Easy Codes

<https://connect.ncdot.gov/business/DMV/DMV%20Documents/DMV-349%20Code%20Sheets.pdf>

2. Narrative and what happened in wreck



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF MOTOR VEHICLES

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

08/17/2022

Re: Customer No.

Dear

Due to the following conditions, the Medical Review Program of the Division of Motor Vehicles needs to review your ability to continue to safely operate a motor vehicle:

- Seizure disorder

The enclosed Medical Report Form should be completed by your physician and returned to the Medical Review Program within 30 days of this letter's date. If you do not return a completed Medical Report within 30 days, your Driver License will be cancelled until we receive the Medical Report. If you feel you will be unable to comply with this deadline, please contact us at (919) 861-3809.

Please give this matter your immediate attention in order to expedite your medical evaluation. If you have questions, you may contact us at (919) 861-3809 or fax number (919) 733-9569.

If you wish to be considered for removal from the Medical Review Program, please submit a written request containing your name, date of birth, and Driver License Number to Medical Review Program, 3112 Mail Service Center, Raleigh, NC 27697-3112. We will provide a written response to your request within thirty days.

Sincerely,

Director of Customer Compliance Services

Enclosure

# Medical Review

- ▶ Receive letter asking for medical evaluations
- ▶ Medical Review Unit (MRU) reviews documents
- ▶ MRU makes determinations
- ▶ Appeal to Medical Review Board
- ▶ Person can seek re-evaluation (may start the process over based on medical information DMV has available)
- ▶ Person can seek withdrawal from medical review (may start the process over based on medical information DMV has available)

# Medical Review

## G.S. 20-9(g)

Issue is:

“[W]hether or not, upon all the evidence, it appears that it is safe to permit the applicant or licensee to operate a motor vehicle. The burden of proof of this fact is upon the applicant or licensee.”

G.S. 20-9(g)(3)

An appeal to the Medical Review Board

An appeal to superior court under G.S. 150B



# Medical Review

## Things to remember:

1. Med Review forms and guidance

<https://www.ncdot.gov/dmv/license-id/license-suspension/medical-review-program/Pages/default.aspx>

2. Commissioner not bound by medical professional's recommendations
3. The information is protected and only released with signed release from the individual under review or Court order
4. Not use information in any criminal or civil matter
5. Attorney sign notices (i.e. notice of appearance, etc.) along with client to speed things up

# Legislative Updates

## Session Law 2024-30 (HB 199)

1. Mobile Drivers License
2. Transfer of License and Theft Bureau to SHP
3. 60 Day Tags and Print on Demand
4. Notary Fees
5. CDL Changes
6. Electronic Notarization
7. DMV Out-Of-State Service

# Legislative Updates

## Session Law 2025-71 (SB 311)

1. Changes to punishment for Careless and Reckless under G.S. 20-140 if injury
2. Changes to G.S. 20-166 for Hit and Run (revocation and restoration)
3. Changes to G.S. 20-141 for Unlawful Racing (revocation and restoration)
4. New mitigating factor for DWI with pretrial interlock LDP

# Legislative Updates

## Session Law 2025-70 (SB 429)

1. Punishment for Failure to Yield under G.S. 20-160.1
2. Punishment for Failure to Yield for Blind under G.S. 20-175.2

# Legislative Updates

## Session Law 2025-47 (SB 391)

1. Private driving schools
2. Speed cameras in school zone
3. Drivers license (not IDs) good for two extra years to drive....  
(applies to licenses that expires after effective date (7/1/2025) and ends on 12/31/2027 and the drivers license "... shall remain valid for purposes of establishing the license holder's driving privilege for a period of up to two years after its expiration." (Driving only? Identification purposes? Voting?))
4. Window tint and car inspections
5. Roll down window for LEO if stopped

# Legislative Updates

## Session Law 2025-91 (SB 245)

1. Remote renewal changes for Drivers Licenses
2. Driver log for new applicants

# Legislative Updates PJC for Insurance

1. Sess. Law 2023-133, section 16
2. Sess. Law 2024-29, section 9
3. Sess. Law 2025-45, section 11 (“...convictions . . . must occur within three years immediately preceding the date of application or preparation of the renewal.”)



# Legislative Updates PJC for Insurance

Sess. Law 2025-45  
and  
inexperienced operator premium surcharge

G.S. 20-309 and G.S. 20-309.2 requirements on insurance policy

G.S. 20-16(a)(6a) (Drivers license suspension for insurance policy that does not reflect the inexperienced operator premium surcharge requirement under G.S. 20-309(a3)).



Questions?



*Chris Brooks*  
*District Court Judge*

*Beth Hathcock*  
*Special Deputy Attorney General*  
*Khathcock@ncdoj.gov*

THIS PRESENTATION HAS NOT BEEN REVIEWED AND/OR APPROVED AS AN OPINION OF THE ADMINISTRATIVE OFFICE OF THE COURTS, THE ATTORNEY GENERAL'S OFFICE AND/OR THE DIVISION OF MOTOR VEHICLES.