

DRIVER'S LICENSE REVOCATIONS

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)

II. Mandatory Revocation for Convictions

1. G.S. 20-13.2—Underage driver zero per se offense, or offense involving impaired driving
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 G.S. 20-138.2A
- Conviction under zero tolerance law for school or activity bus or child care vehicle under G.S. 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
- 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 (G.S. 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 12 months if defendant not convicted of any other motor vehicle moving violation within previous 12 months
 - **AOC-CR-306 (in-county convictions); AOC-CV-350 (out-of-county petition); AOC-CV-351 (privilege—out-of-county conviction)**
2. G.S. 20-16.1(b)(1)--negates G.S. 20-16.1(a) (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
 - **AOC-CR-306 (in-county convictions); AOC-CV-350 (out-of-county petition); AOC-CV-351 (privilege—out-of-county conviction)**
3. G.S. 20-16.2(e1)—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
 - **AOC-CR-313**
 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.
 - **AOC-CR-312 (NC Convictions); AOC-CR-340 (high risk drivers); AOC-CV-350 (petition—out-of-state or federal DWI conviction); AOC-CV-352 (privilege—out-of-state or federal DWI conviction)**
 - (b)(2) negates G.S. 15A-1331A (revocation for a defendant convicted of a felony who refuses/violates probation)
 - **AOC-CR-318**
 5. G.S. 20-138.7(h)--negates G.S. 20-17(12) and -17(2) (transporting open container alcohol after consuming)
 - **AOC-CR-312**
 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)
 - **AOC-CVR-10; AOC-CVR-11 (privilege for indefinite pretrial revocation)**
 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)
 - **AOC-CR-306**
 13. G.S. 20-157(i)—negates G. S. 20-157(i) (“move over” violations)
 - **AOC-CR-306**
 14. G.S. 20-17.3—negates G.S. 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
 - **AOC-CV-353**

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 Complied 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—G.S. 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