

# STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
 District     Superior Court Division

## STATE VERSUS

## LIMITED DRIVING PRIVILEGE IMPAIRED DRIVING OR OPEN CONTAINER OR UNDERAGE ALCOHOL VIOLATION (N.C. CONVICTIONS ONLY)

G.S. 20-17.3, 20-179.3, 20-138.3(d), 20-138.7(h)

Name And Address Of Defendant

Race                      Sex                      Height                      Weight

Hair Color                      Eye Color                      Date Of Birth                      Drivers License No.                      State

Date Of Offense                      Date Of Conviction

**NOTE:** Use AOC-CV-352 when defendant's license was revoked for a conviction in another state or in a federal court. Use AOC-CR-340 when imposing an ignition interlock restriction.

## FINDINGS

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

1. The defendant has been convicted of impaired driving under  G.S. 20-138.1;  G.S. 20-138.2;  G.S. 20-138.3; or  the defendant has been convicted of a second or subsequent offense of transporting an open container of alcoholic beverage under G.S. 20-138.7(a); or  the defendant has been convicted under G.S. 18B-302(a1); or  the defendant has been convicted under G.S. 18B-302(c);
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 defendant had not within the preceding seven (7) years been convicted of an offense involving impaired driving;
4. Punishment level three, four, or five has been imposed upon the defendant for the offense of impaired driving, or the defendant has been convicted under G.S. 20-138.3, or the defendant has been convicted of a second or subsequent offense under G.S. 20-138.7(a), or the defendant has been convicted under G.S. 18B-302(a1), or the defendant has been convicted under G.S. 18B-302(c);
5. Subsequent to the offense, the defendant has not been convicted of, or had an unresolved charge lodged against the defendant for, an offense involving impaired driving;
6. 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;
7. The defendant has obtained and filed with the court a substance abuse assessment;
8. If convicted only under G.S. 20-138.3, the defendant was 18, 19 or 20 years old on the date of the offense and has not previously been convicted of a violation of G.S. 20-138.3; (**NOTE:** Even if the defendant was 18, 19 or 20 years old at the time of the offense, he/she may not receive a limited driving privilege if his/her current conviction was under either (1) G.S. 20-138.1 or (2) both G.S. 20-138.1 and G.S. 20-138.3.)
9.  a. The Court has been furnished a properly executed form DL-123 and is satisfied that the defendant is financially responsible.  
 b. The defendant has executed form DL-123A and is not required to furnish proof of financial responsibility.

## ORDER

It is ORDERED that the defendant 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 from the date on which the Division of Motor Vehicles revokes the defendant's drivers license pursuant to G.S. 20-17(a)(2), G.S. 20-13.2(a), G.S. 20-17(a)(12), or G.S. 20-17.3. 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 DEFENDANT:** 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)

**RESTRICTIONS**

The driver shall not drink alcohol while driving or drive while any alcohol remains in his/her body. The driver shall not drive while having a controlled substance in his/her body unless such controlled substance was lawfully obtained and taken in therapeutically approved amounts. This limited driving privilege DOES NOT include the privilege of operating a commercial motor vehicle as defined in G.S. 20-4.01(3d). Driving when essential for emergency medical care is authorized at any time. Standard working hours are from 6 AM to 8 PM, Monday - Friday.

Driving other than for emergency medical care is permitted only as follows: *(check only applicable boxes.)*

1. Driving is permitted for work-related or educational purposes during standard working hours as follows:

2. Driving is permitted for maintenance of household during standard working hours as follows:

3. Driving is permitted for work-related or education purposes during nonstandard working hours as follows:

The driver is self employed and the required documentation for work-related driving is attached.

4. Driving is permitted for community service assignment, Alcohol and Drug Education Traffic School, and substance abuse assessment or treatment as follows:

5. Driving is restricted to:

a. any non-commercial vehicle registered in the name of the driver.

b. the following non-commercial vehicle(s): \_\_\_\_\_

6. Additional restrictions:  Corrective Lenses  45 M.P.H. Only  Daylight Only  
 Other: \_\_\_\_\_

*Name And Address Of ADET School, Community Service Coordinator, Or Mental Health Treatment Facility To Which Driver Assigned*

*Name And Address Of Employer Or Driver's Place Of Work*

**NOTICE/ACKNOWLEDGMENT OF RECEIPT**

I have received a copy of this limited driving privilege which contains the restrictions on my driving privilege. I understand that if I drive with the odor of alcohol on my breath, I may be subject to arrest and loss of this limited driving privilege; I understand that this is my limited license to drive; that I must keep it in my possession during the period of revocation; that if my drivers license is revoked for any other reason, this limited driving privilege is invalid; that a violation of any restriction imposed in connection with this limited driving privilege constitutes the offense of driving while license revoked under G.S. 20-28(a); that if community service has been ordered, my willful failure to pay the prescribed fee or complete the community service within the time limit imposed shall result in revocation of this limited driving privilege; and that my willful failure may also result in other action authorized by law for violation of a condition of probation.

*Date*

*Signature Of Defendant*

**CERTIFICATION**

I certify that this is a true and complete copy of the original on file in this case.

*Date*

*Signature*

Deputy CSC  Assistant CSC  
 Clerk Of Superior Court