REVOCATIONS, RESTORATIONS, & LDPS

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704-637-1111

ROADMAP

- Revocations
 - Speeding
 - DWI
 - Oddball
- LDPs
 - High Speed
 - DWI
 - Regular
 - Interlock
- Restorations



REVOCATIONS FOR SPEEDING

Conviction Statute	Offense	Period of Revocation	LDP Eligible	DMV Hearing
20-141	Over 15 mph and in excess of 55 mph	Mandatory 30 days; discretionary up to 60 days	Yes	Yes after 30 days
20-141	76 – 80 mph	Mandatory 30 days; discretionary up to 6 months	Yes	Yes after 30 days
20-141	81 mph and over	Mandatory 30 days; discretionary up to 1 year	Yes	Yes after 30 days

LDP FOR HIGH SPEED - AOC-CR-306

County					In The General Court Of Justice District Superior Court Division		
STATE VERSUS Name And Address Of Defendant					LIMITED DRIVING PRIVILEGE - SPEEDING, RECKLESS DRIVING, AGGRESSIVE DRIVING, LARCENY OF MOTOR FUEL, FELONY SPEEDING TO ELUDE, UNSAFE MOVEMENT, FAILURE TO MOVE OVER, OR PASSING STOPPED SCHOOL BUS - IN-STATE CONVICTIONS		
Race Sex		Height	Weight	G.S. 14-72.5(c); 20-16(a)(9), (a)(10), (a)(10a), (e1), (e2); 20-16.1; 20-17(a)(16); 20-141.5(d); 20-154(a2); 20-157(i); 20-21			
Hair Color	Eye Color	Date Of Birth		rth	Drivers License No. And State		
Offense(s) For Wi	hich Defendant Was Con	nvicted			Date(s) Of Conviction(s)		

- G.S. 20-16(a)(9) (speeding, reckless driving, aggressive driving) where at least one of the convictions occurred in NC. If the convictions occurred in multiple NC counties, choose one of the NC case files in which to issue the limited driving privilege. If all of the convictions occurred outside NC (i.e., in another state or in federal court), use AOC-CV-350 and AOC-CV-351.
- G.S. 20-16(a)(10) (speeding in excess of 75 m.p.h. where maximum speed is less than 70 m.p.h.) where the conviction occurred in NC. If the conviction occurred in another state or in federal court, use AOC-CV-350 and AOC-CV-351.
- G.S. 20-16(a)(10a) (speeding in excess of 80 m.p.h. where maximum speed is 70 m.p.h.) where the conviction occurred in NC. If the conviction occurred in another state or in federal court, use AOC-CV-350 and AOC-CV-351.
- G.S. 20-16.1(a) (speeding more than 15 m.p.h. over speed limit at speed in excess of 55 m.p.h., or speeding in excess of 80 m.p.h.) where the conviction occurred in NC. If the conviction occurred in another state or in federal court, use AOC-CV-350 and AOC-CV-351.
- G.S. 20-17(a)(16) (second or subsequent conviction of larceny of motor fuel under G.S. 14-72.5).
- G.S. 20-141.5(d) (first felony speeding to elude conviction where only two aggravating factors were present).

 G.S. 20-154(a2) (unsafe movement resulting in property damage in excess of \$5,000 or serious bodily injury to a motorcycle or bicycle operator or passenger).

 G.S. 20-157(i) (violation of G.S. 20-157 causing serious injury or death).
- G.S. 20-217(q1) (first felony conviction under G.S. 20-217). Applies to offenses committed on or after December 1, 2013.



KEY PROVISIONS

- No prior High Speed conviction within the last 7 years
- No motor vehicle moving violation within the <u>prior</u> 12 months
 - Conviction date to offense date
- Scenario:
 - Client gets a 58/35 on December 3, 2020 in Mecklenburg County
 - Client gets 97/65 on December 15, 2020 in Rowan County
 - Client gets 55/35 in school zone on March 8, 2021 in Rowan County
 - Client comes to you for advice with all 3 charges pending
 - Will Client qualify for a limited driving privilege?

NORTH CAROLINA DIVISION OF MOTOR VEHICLES RDLSI/DRIVING RECORD CHECK

DATE: 03-15-2021

REPORT TYPE: FULL NON-CERTIFIED REPORT

ADDRESS:

CITY: SALISBURY STATE: NC ZIP: 281467494 TOTAL POINTS: 0

DOB: HEIGHT: 5 FT. 10 IN. SEX: M EYES: BRO HAIR: BRO RACE: B REAL ID: Y

PRIMARY LICENSE NO!

SECONDARY LICENSE NO: NON-RESIDENT MILITARY: N
ORIGINAL ISSUE DT: OS DL NO: OS STATE:

*** DRIVER LICENSE STATUS:CLS C ACTIVE ***

LIC LMT COND

CLASS GRP TYP ISSUE DT EXPIR DT CDL DISQ PROB PRIV RESTR STATUS

O N N N N N N ACTIVE

ENDORSEMENTS: RESTRICTIONS: 0 - NONE

CRD TRNS: 0027625221

OCCUR/ CONV/

BEGIN DATE END DATE NATURE OF RECORD OR DIVISION ACTION POINTS

07-30-2019 ACDNT: MECKLENBURG COUNTY, NC

ACDNT: CASE ID:

05-02-2019 04-16-2027 ORG ISS: CLS C EN:

RSTR: 0 NONE

07-29-2017 04-16-2019 ORG ISS: CLS C LEV1 EN:

RSTR:16 01-29-2018

WITHDRAWALS

NO WITHDRAWAL DATA TO REPORT

CONVICTIONS

NO CONVICTION DATA TO REPORT

NORTH CAROLINA DIVISION OF MOTOR VEHICLES RDLSI/DRIVING RECORD CHECK

REPORT TYPE: FULL CERTIFIED REPORT DATE: 11-05-2021

NAME:

ADDRESS:

CITY: SALISBURY STATE: NC ZIP: 281467494 TOTAL POINTS: 2

HEIGHT: 5 FT. 10 IN. SEX: M EYES: BRO HAIR: BRO RACE: B REAL ID: Y

PRIMARY LICENSE NO:

SECONDARY LICENSE NO: NON-RESIDENT MILITARY: N
ORIGINAL ISSUE DT:
OS DL NO: OS STATE:

*** DRIVER LICENSE STATUS: CLS C ACTIVE ***

LIC LMT COND

CLASS GRP TYP ISSUE DT EXPIR DT CDL DISQ PROB PRIV RESTR STATUS
C N N N N N N ACTIVE

ENDORSEMENTS: RESTRICTIONS: 0 - NONE

CRD TRNS: 0027625221

OCCUR/ CONV/
BEGIN DATE END DATE NATURE OF RECORD OR DIVISION ACTION POINTS
SCHBUS: NOT ELIG FOR SCHOOL BUS DRIVER CERTIFICATION

03-08-2021 10-29-2021 CONV: (313) SPEEDING (44 MPH IN A 35)

COURT: ROWAN COUNTY COURT, NC

COURT: AOC #: CITATION ID:

12-15-2020 10-28-2021 CONV: (313) SPEEDING (97 MPH IN A 65)

COURT: ROWAN COUNTY COURT, NC

COURT: AOC #: CITATION ID:

12-03-2020 06-07-2021 CONV: (202) IMPROPER EQUIPMENT - SPEEDOMETER

COURT: MECKLENBURG COUNTY COURT, NC
COURT: AOC #: CITATION ID:

07-30-2019 ACDNT: MECKLENBURG COUNTY, NC

ACDNT: CASE ID

05-02-2019 04-16-2027 ORG ISS: CLS C EN:

RSTR: 0 NONE

07-29-2017 04-16-2019 ORG ISS: CLS C LEV1 EN:

RSTR:16 01-29-2018

WITHDRAWALS

NO WITHDRAWAL DATA TO REPORT

CONVICTIONS

NO CONVICTION DATA TO REPORT

ACCIDENTS

NO ACCIDENT DATA TO REPORT

IMPAIRED DRIVING REVOCATIONS – NCGS 20-138.1

- No priors w/in 7 years = 1 year suspension
 - Immediately eligible for LDP, if 21 y/o with valid license
- 2nd DWI w/in 3 years = 4 year suspension
 - No LDP, but
 - Hearing after 2 years (NCGS 20-19(d))
- 3rd DWI and 2nd w/in 5 years = Permanent
 - No LDP, but
 - Hearing after 3 years



IMPAIRED DRIVING PRIVILEGE

- Standard Limited Driving Privilege
 - AOC-CR-312
 - 0.14 or below
- Automatically includes:
 - Emergency medical care
 - Standard Hours for work, church, and education
 - Standard Hours for maintenance of household
 - Nonstandard hours for Community Service, Substance Abuse Classes, DES
- Must request and document:
 - Nonstandard hours for work, church, education
 - Nonstandard hours for self-employment activities

IGNITION INTERLOCK CHANGES



OUT WITH THE OLD

- The prior ignition interlock privilege required among other things:
 - 45 day waiting period between the date of conviction and the date of eligibility for a LDP
 - Only driving for work and calibration of the interlock machine
 - Mandatory installation on all vehicles owned by client
 - 0.04 and 0.00 alcohol concentration restrictions

IN WITH THE NEW



WHAT'S BEHIND THE CHANGE

- Standard DWI judgment?
 - Level 5 60 day suspended, I2 months unsupervised, Cost + \$100, 24 hours C/S + pay fee, C/T/P SAA + treatment, not operate until restored or granted a LDP
 - Generally, client is looking at \$1,000 in court costs, fines, and SA classes
- Sometimes the community service is required to be completed within a certain amount of time
 - 24 hours w/in 60 days
 - 48 hours with 90 days
 - 72 hours w/in 120 days

THE LAW - S.L. 2021-182 (S 183)

- https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S183v6.pdf
- NCGS 20-179.3(cl) is repealed this was the portion that required:
 - Wait period
 - Purpose restrictions
- NCGS 20-179.3(g3) and (g5) are amended time and purpose restrictions
- NCGS 20-17.8(c1) amended vehicles required to be equipped
- NCGS 20-17.8(b)(3) amended alcohol concentration limit
- NCGS 20-179.5 New affordability of ignition interlock

THE DETAILS - 20-179.3

- 20-179.3(cl) was repealed in its entirety.
 - 20-179.3(c1)(1) 45 day waiting period repealed
 - 20-179.3(c1)(2) comply with subsection (g5) now part of 20-179.3(g3) and (g5) requires that the vehicle be equipped with an ignition interlock machine and that the person responsible for the machine is the one that blows into it.
 - 20-179.3(c1)(3) repealed the purpose restrictions of the interlock privilege so, the interlock no longer restricts driving to/from work, education, religion, SA classes, and calibration of the machine. In other words, maintenance of household and community service are now available for interlock privileges.
- These changes have already taken effect! December 1, 2021

THE DETAILS - 20-179.3

- 20-179.3(g3) and (g5) amended to remove the time and purpose restrictions for ignition interlock privileges
 - (g3) is discretionary/voluntary but would essentially allow someone charged with DWI to elect to install the interlock machine to eliminate time/purpose restrictions completely
 - (g5) is mandatory for clients that have an alcohol concentration above 0.15, the interlock is mandatory, but would also allow them to drive without time/purpose restrictions
- These changes take effect June 1, 2021.

RESTORATION AMENDMENTS - 20-17.8

- 20-17.8 required the ignition interlock system on the following restorations:
 - Persons having a alcohol concentration of 0.15 or more
 - Persons convicted of 2 DWIs within 7 years
 - Persons sentenced at an Aggravated Level 1
 - Persons restored following habitual impaired driving revocation
- 20-17.8(c1) previously all vehicles registered to person...post June 1 = person can designate any registered vehicle they own and intend to operate
- 20-17.8(b)(3) previously 0.04/0.00 alcohol concentration restrictions...post June I=0.02 or greater for all interlock
 - Note: Under 21 y/o still subject to 0.00 alcohol concentration

NEW LAW - 20-179.5

person.

- Person required to install ignition interlock may apply to the vendor to waive a portion of the costs
- Person's income must be at or below 150% of the federal poverty line OR that person is enrolled in specified public assistance programs.
 - Temporary Assistance (TANF)
 - SSI
 - Supplemental Nutrition (SNAP)
 - Energy Assistance (LIHEAP)
 - Medicaid
- Waives installation/removal and 50% of monthly fee

Persons in family/household	Poverty guideline
1	\$12,880
2	\$17,420
3	\$21,960
4	\$26,500
5	\$31,040
6	\$35,580
7	\$40,120
8	\$44,660

For families/households with more than 8 persons, add \$4,540 for each additional

ALL REVOCATIONS

- https://www.sog.unc.edu/sites/www.sog.unc.edu/files/additional_files/2015%20P unishment%20Chart%20for%20NC%20Crimes.pdf
- This is the 2015 version
- You can purchase the 2018 Punishment chart from the SOG which should have an updated chart for conviction-based license suspensions.

RARE BIRDS OR DMV SCREWUPS?

23 - IGNITION INTERLOCK RESTRICTION

CRD TRNS: 0031261404 TDC: 0031261404 EXP: 01-21-2022

ENDORSEMENTS: RESTRICTIONS: 20 - BAC .04 AND IGNITION INTERLOCK

CRD TRNS: 0030240930

 CLASS
 GRP
 TYP
 ISSUE DT
 EXPIR DT
 CDL
 DISQ
 PROB
 PRIV
 RESTR
 STATUS

 C
 R
 07-17-2013
 11-11-2021
 N
 N
 N
 N
 N
 N
 EXPIRED

ENDORSEMENTS: RESTRICTIONS: 1 - CORRECTIVE LENSES
19 - BAC .04 RESTRICTION

OCCUR/ CONV/ BEGIN DATE END DATE NATURE OF RECORD OR DIVISION ACTION POINTS SCHBUS: NOT ELIG FOR SCHOOL BUS DRIVER CERTIFICATION 11-22-2021 REST: IG INT EXP DT: 04-07-22 LICENSE RESTRICTION ISSUED 07-08-2021 11-11-2026 REN ISS: CLS C RSTR: 20 BAC . 04 AND IGNITION INTERLOCK 07-08-2021 REST: BAC .04 EXP DT: - - IG INT EXP DT: 04-07-22 LICENSE RESTRICTION ISSUED 04-17-2019 ACDNT: ROWAN COUNTY, NC ACDNT: CASE ID 11-14-2018 ACDNT: ROWAN COUNTY, NC ACDNT: CASE ID. 11-06-2018 ACDNT: ROWAN COUNTY, NC ACDNT: CASE ID. 10-15-2015 12-04-2015 CONV: (202) IMPROPER EQUIPMENT - SPEEDOMETER

RSTR:1 CORRECTIVE LENSES
RSTR:19 BAC .04 RESTRICTION

07-17-2013 REST: BAC .04 EXP DT: 04-18-16

LICENSE RESTRICTION ISSUED

COURT: AOC #:

05-03-2013 11-11-2013 DUP ISS: CLS C EN:

07-17-2013 11-11-2021 REN ISS: CLS C

RSTR:1 CORRECTIVE LENSES

COURT: SURRY COUNTY COURTHOUSE, NC

EN:

RSTR:20 BAC .04 AND IGNITION INTERLOCK

05-03-2013 REST: BAC .04 EXP DT: 04-18-16 IG INT EXP DT: 06-03-13 LICENSE RESTRICTION ISSUED 04-18-2013 11-11-2013 DUP ISS: CLS C EN: RSTR:1 CORRECTIVE LENSES RSTR:20 BAC .04 AND IGNITION INTERLOCK 04-18-2013 REST: BAC .04 EXP DT: 04-18-16 IG INT EXP DT: 06-03-13 LICENSE RESTRICTION ISSUED 02-19-2013 11-11-2021 ORG ISS: ID 04-18-2012 04-18-2013 DISO: CDL DISQUALIFICATION - DWI STATUTE: 20-17.4(a)(1) 09-04-2011 04-18-2012 CONV: (625) DRIVING WHILE IMPAIRED LIM PRIV COURT: ROWAN COUNTY COURT, NC COURT: AOC #: CITATION ID: 04-18-2012 04-18-2013 SUSP: 1 OFFENSE OF DRIVING WHILE IMPAIRED STATUTE: 20-17(2) & 20-19(c1) LIM PRIV BEG DT:06-05-2012 LIM PRIV END DT:04-18-2013 09-04-2011 04-18-2012 CONV: (625) DRIVING WHILE IMPAIRED COURT: ROWAN COUNTY COURT, NC COURT: AOC #: CITATION ID: 10-05-2011 11-11-2013 ORG ISS: CLS C EN: RSTR:1 CORRECTIVE LENSES 09-04-2011 09-04-2012 DISQ: CIVIL REVOCATION WHILE OPER CMV/CDL HLDR STATUTE: 20-17.4(a)(7) 09-04-2011 09-04-2011 CONV: (028)30 DAY CIVIL COURT: ROWAN COUNTY COURT, NC COURT: AOC #: CITATION ID: 09-04-2011 10-05-2011 SUSP: 30 DAY CIVIL REVOCATION (SUSPENSION) STATUTE: 20-16.5 10-16-2008 11-11-2013 REN ISS: CLS A CDL EN: RSTR: 0 NONE

DMV SCREWUP?

- System showed that the client had not fully complied with the ignition interlock from 2013 DWI
- But...0.04 and Interlock restriction on license from 6-5-2012 to 7-17-2014
- But...Interlock privilege ends on 6-3-2013 per the record
- When he went to DMV in 2021 they put the Interlock restriction back
- WHAT GIVES?

*** DRIVER LICENSE STATUS: CLS C ELIG FOR REINSTATE ***

CRD TRNS: 0028284540

CRD TRNS: 0018595311

02-25-2016 09-07-2024 ORG ISS: ID

02-17-2016 02-17-2016 CONV: (028)30 DAY CIVIL

ENDORSEMENTS: RESTRICTIONS: 1 - CORRECTIVE LENSES

02-17-2016 04-29-2016 SUSP: 30 DAY CIVIL REVOCATION (SUSPENSION)

STATUTE: 20-16.5

COURT: WAYNE COUNTY COURT, NC

ENDORSEMENTS:		RESTRICTIONS: 1 - CORRECTIVE LENSES				
OCCUR/	CONV/					
BEGIN DATE	END DATE	NATURE OF RECORD OR DIVISION ACTION POINTS				
		SCHBUS: NOT ELIG FOR SCHOOL BUS DRIVER CERTIFICATION				
10-20-2021		HEARING: II, REVIEW - FAILED TO REPORT				
		DUP ISS: ID EN:				
09-11-2017	06-30-2020	SUSP: 1 OFFENSE OF DRIVING WHILE IMPAIRED				
		STATUTE: 20-17(2) & 20-19(f)				
02-17-2016	08-31-2017	CONV: (625) DRIVING WHILE IMPAIRED				
		COURT: WAYNE COUNTY COURT, NC				
		COURT: AOC #:				
09-11-2017	09-11-2018	SUSP: 1ST MOVING VIOLATION WHILE LICENSE SUSPENDED				
		STATUTE: 20-28.1				
02-17-2016	08-31-2017	CONV: (625) DRIVING WHILE IMPAIRED				
		COURT: WAYNE COUNTY COURT, NC				
		COURT: AOC #:				
		SUSP: FAILURE TO PAY FINE				
03-12-2017	08-31-2017	SUSP: FAILURE TO APPEAR				
		STATUTE: 20-24.1				
02-17-2016	01-10-2017	CONV: (634) FAIL TO APPEAR				
		COURT: WAYNE COUNTY COURT, NC				
		COURT: AOC #: CITATION ID:				
03-07-2017	09-07-2024	REN ISS: CLS C EN:				
		RSTR:1 CORRECTIVE LENSES				

EN:

. .

COURT: AOC #: CITATION ID: 02-03-2014 01-30-2017 SUSP: FAILURE TO PAY FINE STATUTE: 20-24.1 07-21-2013 11-26-2013 CONV: (635) FAIL TO PAY COURT: LENGIR COUNTY COURT, NC COURT: AOC #: CITATION ID: 08-16-2013 09-07-2016 DUP ISS: CLS C ... EN: RSTR:1 CORRECTIVE LENSES 07-21-2013 11-05-2013 CONV: (313) SPEEDING (64 MPH IN A 55) COURT: LENGIR COUNTY COURT, NC COURT: AOC #: CITATION ID: 08-10-2009 09-07-2016 DUP ISS: CLS C EN: RSTR:1 CORRECTIVE LENSES 09-16-2008 09-07-2016 REN ISS: CLS C EN: RSTR:1 CORRECTIVE LENSES 09-23-2003 09-07-2008 REN ISS: CLS C EN: RSTR: 0 NONE 09-08-1995 09-07-2003 REN ISS: CLS C EN: RSTR: 0 NONE ACDNT: ROWAN COUNTY, NC 03-08-1994 PERS INJ ACDNT: CASE ID: 04-08-1993 ACDNT: ROWAN COUNTY, NC PERS INJ ACDNT: CASE ID: 09-09-1991 09-07-1995 REN ISS: CLS C 01-21-1991 ACDNT: ROWAN COUNTY, NC PERS INJ ACDNT: CASE ID 09-17-1987 09-07-1991 REN ISS: CLS C

WITHDRAWALS

NO WITHDRAWAL DATA TO REPORT

CONVICTIONS

NO CONVICTION DATA TO REPORT

ACCIDENTS

NO ACCIDENT DATA TO REPORT

ACCIDENTS NOTED ON THIS DOCUMENT SHALL NOT BE CONSIDERED DETERMINATIVE OF FAULT OR NEGLIGENCE ON THE PART OF THE INDIVIDUAL

* * END OF DRIVING RECORD * *

RARE BIRD

- NCGS 20-17.8(I) Medical exception to Ignition Interlock
 - Physical condition that makes it impossible for the person to activate system
 - 2 or more physicians or surgeons licensed in NC or US
 - Signed certificates by the physicians
 - DMV not bound by the physicians recommendations
 - Right to appeal to a reviewing board within 10 days of denial