DRIVER'S LICENSE REVOCATIONS

Shea Denning, UNC School of Government (December 2011)

I. Definitions
   1. License: G.S. 20-4.01(17).
   2. Revocation: G.S. 20-4.01(36).

II. Mandatory Revocation for Convictions
   1. G.S. 20-13.2: Underage driver zero tolerance 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 privilege authorized
      • 60 day suspension for second offense within 1 year, no limited privilege authorized

   3. G.S. 20-17:
      • Manslaughter
      • DWI
      • Commercial DWI (if 0.06 or more alcohol concentration)
      • Felony involving use of motor vehicle
      • Failure to stop and render aid in violation of G.S. 20-166(a) or (b).
      • Perjury or the making of a false affidavit or statement to DMV
      • Two Reckless Driving or two Aggressive Driving or one or more Reckless and one or more Aggressive (within 12-month period)
      • Reckless or Aggressive driving and illegal transportation of intoxicants for sale
      • False name, statement to get license
      • Death by vehicle or serious injury by vehicle (G.S. 20-141.4)
      • Assault with a motor vehicle
      • Second transporting open container under G.S. 20-138.7
      • Second 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.
• Second larceny of motor fuel in 7 years

3. G.S. 20-17.3: ABC law violations
   • G.S. 18B-302(a1): Giving alcoholic beverages to person under 21
   • G.S. 18B-302(b): Underage purchase or attempt to purchase an alcoholic beverage
   • G.S. 18B-302(c): Aid/abet sale, gift, purchase of alcoholic beverage to a minor
   • G.S. 18B-302(e): Fraudulent use of Identification
   • G.S. 18B-302(f): Allowing use of Identification

Person whose license is revoked for a violation of G.S. 18B-302(a1) or G.S. 18B-302(c) is eligible for a limited driving privilege under G.S. 20-179.3. See G.S. 20-17.3.

4. G.S. 20-28: Driving while license revoked; driving after notification of revocation 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
   • Driving while license revoked
     o 1st conviction: Revoked for an additional period of one year
       ▪ May apply for license after 90 days
     o 2nd conviction: Revoked for additional two years
       ▪ May apply for license after one year
     o 3rd conviction: Permanent revocation
       ▪ May apply for license after three years

5. G.S. 20-28.1: Moving violation while revoked
   • 1st conviction: Revoked for an additional period of one year
     o May apply for license after 90 days
   • 2nd conviction: Revoked for additional two years
     o May apply for license after 12 months
   • 3rd conviction: Permanent revocation
     o May apply for license after three years

6. G.S. 20-141.3(a), (c): Prearranged racing; allowing use of one’s motor vehicle in prearranged racing; betting on racing
   • Three year revocation – may apply for license after 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 one year suspension
   - Felony based on two aggravating factors: Two year revocation
     o May apply for limited privilege after 12 months of revocation
   - Felony based on three or more aggravating factors: Three 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 of alcoholic beverages
   (8a) Impaired instruction (G.S. 20-12.1)
   (9) Conviction, within a period of 12 months, of
      - Two or more charges of speeding over 55 mph and not more than 80 miles per hour;
      - One or more charges of reckless driving and one or more charges of speeding more than 55 and not more than 80 mph; or
      - One or more charges of aggressive driving and one or more charges of speeding more than 55 and not more than 80 mph
   (10) Speeding over 75 mph when speed limit is less than 70 mph
   (10a) Speeding over 80 mph when speed limit is 70 mph
   (11) Suspended sentence requiring that person not operate a motor vehicle

3. G.S. 20-141.3(b), (d): 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. **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. 20-4.20

3. Willful refusal to submit to chemical analysis: G.S. 20-16.2


5. Thirty day civil license revocation for provisional licensee: G.S. 20-13.3 (effective 1/1/2012)

6. Indefinite civil license revocation in implied consent case: G.S. 20-16.5

7. Offenses in other jurisdictions
   - G.S. 20-16(a)(7): commission of qualifying offense in another state
   - G.S. 20-16(a)(8b): violating military regulation prohibiting impaired driving
   - G.S. 20-23: conviction in another state of offense listed in G.S. 20-26(a)
   - G.S. 20-23.2: federal conviction for offense involving impaired driving

8. Violation of DMV probation

9. Failure to post security: G.S. 20-279.5(b)

10. Nonpayment of judgment: G.S. 20-279.13, 279.16

11. Incompetent person or person involuntarily committed for alcoholism: G.S. 20-17.1

12. Failure to pay child support: G.S. 20-15.1

13. Conviction of felony and unsuccessful probation: G.S. 20-15.1

14. Violation of alcohol concentration restriction: G.S. 20-19(c3)

15. Violation of ignition interlock restriction: G.S. 20-17.8(g)

16. Failure to register as sex offender: G.S. 20-9(i)(3)
V. Limited Driving Privilege (Negates Specified Revocations)

1. G.S. 20-16(e1): negates G.S. 20-16(a)(9), (a)(10), (a)(10a) (speeding)
   - For first suspension, limited privilege for up to 12 months if defendant not convicted of any other motor vehicle moving violation within previous 12 months

2. G.S. 20-16.1(b): negates G.S. 20-16.1(a) (speeding more than 15 mph over speed limit while driving at least 55 mph; driving over 80 mph)
   - Upon a first conviction (no prior within seven years), trial judge may allow limited privilege for proper purposes reasonably connected with health, education and welfare of the defendant and defendant’s family

3. G.S. 20-16.2(e1): negates G.S. 20-16.2, G.S. 20-17(a)(2) (willful refusal to submit to implied consent testing)
   - Limited privilege may be issued after 6 months of revocation, final disposition of underlying charges and satisfaction of other conditions

4. G.S. 20-179.3: negates G.S. 20-17(a)(2) (impaired driving) (effective 12/1/2007, different conditions apply to “high risk” drivers—with alcohol concentrations of .15 or more)

5. G.S. 20-179.3(b)(2) negates G.S. 15A-1331A (revocation for a defendant convicted of a felony who refuses/violates probation)

6. G.S. 20-138.7(h): negates G.S. 20-17(a)(12) (transporting open container of alcohol after consuming)

   - Must be revoked solely for driving after consuming
   - Must be 18, 19, or 20 years old
   - No previous conviction under G.S. 20-138.3

8. G.S. 110-142.2(c): negates G.S. 20-15.1 (revocation upon forfeiture of license for failure to pay child support)


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 two aggravating 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. 20-166(e) (hit and run)
   - Upon first conviction of G.S. 20-166(a1) (failure to stop, remain on scene after crash resulting in injury), trial judge may allow limited privilege

12. G.S. 20-16(e2): negates G.S. 20-17(a)(16) (larceny of motor fuel)


14. G.S. 20-17.3: negates G.S. 20-17.3 (revocation for giving alcohol to underage person or aiding and abetting violation of G.S. 18B-302)

15. G.S. 20-20.1: negates revocation under G.S. 20-28(a) (DWLR) or G.S. 20-28.1 (conviction of moving offense while revoked). Must meet following conditions for limited privilege:
   - Meet compliance period:
     - One year revocation – 90 day compliance;
     - Two year revocation — one year compliance;
     - Permanent revocation – two year compliance.
   - Underlying or moving offense not an offense 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 three 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

VI. Substance Abuse Assessments and Certificates of Completion
1. G.S. 20-17.6: Failure to obtain assessment or complete ADETs or treatment in implied consent case
   • Revocation period extended until DMV receives certificate of completion
   • Not eligible for limited privilege if revocation only in effect because DMV has not received certificate of completion

VII. Commercial Driver License Disqualifications: G.S. 20-17.4

1. G.S. 20-138.1: Driving while impaired (first conviction, one year disqualification; second conviction, disqualification for life)

2. G.S. 20-138.2: Driving commercial vehicle while impaired

3. Hit and Run

4. Felony in the commission of which motor vehicle is used

5. Refusal to submit to implied consent testing

6. Second or subsequent violation of commercial zero tolerance law: G.S. 20-138.2A (one year disqualification); first violation (ten day disqualification)

7. Civil revocation under G.S. 20-16.5 or similar revocation in another state

8. Vehicular homicide (death by vehicle or manslaughter in commercial vehicle

9. Driving commercial vehicle with a revoked or disqualified license

10. Two serious violations in a commercial vehicle: G.S. 20-4.01(41a); 20-17.4(d)

11. Violation of out-of-service order

12. Out-of-state violations that would be grounds for disqualification if committed in NC


14. Testing positive in or refusing drug or alcohol test administered by employer

15. Driver determined to pose imminent hazard

16. Conviction of criminal offense requiring registration as sex offender (disqualified from driving commercial vehicle that requires a commercial drivers license with a P or S endorsement)