

# STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
 District     Superior Court Division

## STATE VERSUS

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

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

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

**NOTE:** Use AOC-CV-352B when the applicant's license was revoked for a conviction in another state or in a federal court.

### 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;  G.S. 20-138.2;  G.S. 20-138.3; or  the applicant 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 applicant has been convicted under G.S. 18B-302(a1); or  the applicant 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 applicant 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 applicant for the offense of impaired driving, or the applicant has been convicted under G.S. 20-138.3, or the applicant has been convicted of a second or subsequent offense under G.S. 20-138.7(a), or the applicant has been convicted under G.S. 18B-302(a1), or the applicant has been convicted under G.S. 18B-302(c);
5. 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;
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 applicant has obtained and filed with the court a substance abuse assessment;
8. If convicted only under G.S. 20-138.3, the applicant 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 applicant 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. The applicant was convicted under G.S. 20-138.1 and had an alcohol concentration of  0.16  0.15 (use for offenses committed on or after December 1, 2007) or more. (If this item is selected, the restrictions in G.S. 20-179.3(g5) apply to the applicant.)
10.  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 from the date on which the Division of Motor Vehicles revokes the applicant'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
<b>NOTE TO APPLICANT:</b> <u>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.</u>	Signature Of Judge
	Name Of Judge (type or print)

Original - File      Certified Copy - Applicant      Copy - DMV  
 (Over)

**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).

1. Driving is restricted to: *(select a. or b. depending on the basis for the ignition interlock restriction; also select c., if applicable)*

a. *(select if interlock imposed in court's discretion pursuant to G.S. 20-179.3(g3))* The following non-commercial vehicle(s):

\_\_\_\_\_ which shall be equipped with a functioning ignition interlock system of a type approved by the Commissioner of Motor Vehicles, and the driver shall personally activate the ignition interlock system before operating the vehicle and at any time during the driving as required by the procedures for ignition interlock systems established by the Commissioner of Motor Vehicles. The driver may drive to and from any ignition interlock service facility for installation and service purposes.

b. *(select if mandatory interlock imposed pursuant to G.S. 20-179.3(g5); see finding no. 9 on Side One of this form)* The following non-commercial vehicle(s):

\_\_\_\_\_ which shall be equipped with a functioning ignition interlock system of a type approved by the Commissioner of Motor Vehicles that is set to prohibit driving with an alcohol concentration of greater than 0.02, and the driver shall personally activate the ignition interlock system before operating the vehicle and at any time during the driving as required by the procedures for ignition interlock systems established by the Commissioner of Motor Vehicles. The driver may drive to and from any ignition interlock service facility for installation and service purposes.

c. *(select if G.S. 20-179.3(g4) applies)* The following non-commercial vehicle(s):

\_\_\_\_\_ which is owned by the driver's employer and is operated by the driver solely for work-related purposes, and the vehicle owner has filed a written statement with the court authorizing such work-related driving by the driver.

2. Additional restrictions:

Corrective Lenses

45 M.P.H. Only

Daylight Only

Other:

**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; that an ignition interlock system violation committed during the 90-day period immediately preceding the date on which compliance with the ignition interlock restriction is to end shall extend the period of revocation and authorization to drive with this limited driving privilege; that removal of the ignition interlock system prior to the end of the revocation period or any extension shall void this limited driving privilege; 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 Driver

**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