

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

INTERLOCK LIMITED DRIVING PRIVILEGE WILLFUL REFUSAL

G.S. 20-16.2

Name And Address Of Applicant

Race Sex Height Weight

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

Offense Charged Date Of Refusal

FINDINGS

Upon application for a limited driving privilege, by an applicant whose drivers license was revoked for twelve (12) months for willful refusal to submit to a chemical analysis after being charged with an implied-consent offense, the Court finds that:

1. At the time of the refusal, the applicant held either a valid drivers license, or a drivers license that had been expired for less than one (1) year;
2. At the time of the refusal, the applicant had not within the preceding seven (7) years been convicted of an offense involving impaired driving;
3. At the time of the refusal, the applicant had not in the preceding seven (7) years willfully refused to submit to a chemical analysis under G.S. 20-16.2;
4. The implied-consent offense did not involve death or critical injury to another person;
5. The underlying charge for which the applicant was requested to submit to a chemical analysis was finally disposed of (a) other than by conviction or (b) by a conviction of impaired driving under G.S. 20-138.1 at a punishment level authorizing issuance of a limited driving privilege under G.S. 20-179.3(b), and the applicant has complied with at least one of the mandatory conditions of probation listed for the punishment level under which he/she was sentenced, or (c) by a conviction of impaired driving under G.S. 20-138.2;
6. Subsequent to the refusal, the applicant has had no unresolved pending charges for, or additional convictions of, an offense involving impaired driving;
7. The applicant's drivers license has been revoked for at least six (6) months for the refusal;
8. The records of the Division of Motor Vehicles and the Clerk of Superior Court in this county have been searched, and there are no revocations in effect other than a revocation under G.S. 20-16.2 for this willful refusal, and a revocation imposed under G.S. 20-17(a)(2), for the underlying charge;
9. The applicant has obtained a substance abuse assessment and has successfully completed any recommended training or treatment program; and has filed with the Clerk a certificate of completion; *(Mandatory for offenses committed on or after December 1, 1997.)*
10. 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.)*
11. 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 from the date of this Order, to be used in accordance with the restrictions imposed in this form, and to expire twelve (12) months from the date on which the Division of Motor Vehicles notified the applicant that the applicant's drivers license was revoked pursuant to G.S. 20-16.2(d). The 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.

Date Name Of Judge (type or print) Signature Of Judge

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. 10 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: *(specify)*

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 this is my limited license to drive as set out above; that I must keep it in my possession during the period of revocation; 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; 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 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