STATE OF NORTH CAROLINA

_____ County

File No.

In The General Court Of Justice
☐ District ☐ Superior Court Division

Name Of Defendant				
Defendant's Drivers License No.		State		
Vehicle Identification No.				
Vehicle License No.		State		
Vehicle Type	Make	Year	Date Of Seizure	Date Of Offense

NON-DEFENDANT OWNER'S PETITION/APPLICATION FOR RELEASE OF SEIZED MOTOR VEHICLE ACKNOWLEDGMENT - IMPAIRED DRIVING

G.S. 20-28.2(e), 20-28.3(e), 20-28.3(e1)

The motor vehicle described above was seized on the date shown above while being driven by the defendant named above. The defendant was charged with committing an impaired driving offense and it is alleged that at the time of the violation (1) the defendant's drivers license was revoked pursuant to a prior impaired driving license revocation or (2) the defendant was driving without a valid drivers license and was not covered by an automobile liability insurance policy. The petitioner named on the reverse side applies for the release of that motor vehicle and any funds paid into this Court as a result of any damage to or sale of the vehicle incident to its seizure. Release is requested:

(check all that apply)

☐ Temporarily pending a proceeding before the Clerk on this Petition or pending a hearing on the forfeiture of the vehicle.
NOTE: *Check this option if you want immediate temporary release of your vehicle. You must execute and file a bond. Use "Bond To Secure Temporary Pretrial Release Of Motor Vehicle - Impaired Driving," AOC-CR-331A.*

☐ Permanently after a proceeding before the Clerk on this Petition to be held as soon as may be feasible after the filing of this Petition.

☐ Permanently after a hearing conducted by the court on the forfeiture of the vehicle.

I state:

1. The petitioner is:
   ☐ a. an individual.
   ☐ b. a business firm or corporation acting through the undersigned agent.
2. I am a person in whose name a registration card, an electronic notice of registration, or certificate of title for the motor vehicle was issued **at the time the vehicle was seized**.
3. I was not the driver at the time of the underlying offense resulting in the seizure.
4. I am an innocent owner because:
   (check all that apply) (**NOTE:** *This item does not apply to temporary release petitions.*)
   ☐ a. I did not know and had no reason to know that ☐ the defendant's drivers license was revoked. ☐ the defendant did not have a valid drivers license and that the defendant had no liability insurance.
   ☐ b. I knew that ☐ the defendant's drivers license was revoked, ☐ the defendant did not have a valid drivers license and that the defendant had no liability insurance, but the defendant drove the motor vehicle without my expressed or implied permission, and I filed a police report for unauthorized use of the motor vehicle and have agreed to prosecute the unauthorized operator of the motor vehicle.
   ☐ c. The motor vehicle was reported stolen.
   ☐ d. ☐ *(applicable to offenses committed prior to December 1, 2013)* I am in the business of renting vehicles, and the defendant is not listed as an authorized driver on the rental contract.
      ☐ *(applicable to offenses committed on or after December 1, 2013)* I am a rental car company as defined in G.S. 66-201 and ☐ the defendant is not listed as an authorized driver on the rental agreement as defined in G.S. 66-201.
      ☐ the defendant is listed as an authorized driver on the rental agreement as defined in G.S. 66-201, but I had no actual knowledge of the revocation of the defendant's license at the time the rental agreement was entered.
   ☐ e. I am in the business of leasing motor vehicles, held legal title to the motor vehicle as lessor at the time the vehicle was seized, and had no actual knowledge of the revocation of the defendant's drivers license at the time the lease was entered.

(Over)

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5. I acknowledge that:
   a. The motor vehicle described above was operated by the defendant named above who was charged with an offense involving impaired driving and it is alleged that at the time of the violation ☐ the defendant's license was revoked as a result of a prior impaired drivers license revocation. ☐ the defendant did not have a valid drivers license and did not have liability insurance.

   b. If the vehicle is again operated by the defendant and the defendant is charged with an offense involving impaired driving, then the vehicle is subject to impoundment and forfeiture if at the time of the violation (i) the defendant's drivers license is revoked as a result of a prior impaired driving license revocation or (ii) the defendant does not have a valid drivers license and does not have liability insurance.

   c. A lack of knowledge or consent to the operation will not be a defense in the future, unless I have taken all reasonable precautions to prevent the use of the vehicle by the defendant and immediately report, upon discovery, any unauthorized use to the appropriate law enforcement agency.

6. *(check applicable box)* (**NOTE:** *This item does not apply to temporary release petitions.*)
   ☐ a. I have not previously executed an acknowledgment naming the defendant named on the reverse side as operator of the vehicle described on the reverse side.

   ☐ b. I have previously executed an acknowledgment naming the defendant named on the reverse side as operator of the vehicle described on the reverse side and have taken all reasonable precautions to prevent the use of the vehicle by the defendant named on the reverse side and immediately reported, upon discovery, any unauthorized use to the appropriate law enforcement agency.

☐ 7. *(check if you are a lessor)* I agree not to sell, give, or otherwise transfer possession of the motor vehicle to the defendant or to any person acting on the defendant's behalf. **NOTE:** *"A lessor who refuses to sell, give, or transfer possession of a seized motor vehicle to the defendant or any person acting on the behalf of the defendant shall not be liable for damages arising out of the refusal." G.S. 20-28.2(e).*

☐ 8. (**NOTE:** *This item does not apply to temporary release petitions.*) I have financial responsibility to the extent required by Article 13 of Chapter 20 of the General Statutes, or to the extent required by the laws of the state outside North Carolina in which my vehicle is registered. **NOTE:** *Form FS-1 or DL-123, which can be obtained from your insurance company, will provide proof of financial responsibility.*

☐ 9. *(check if applying for temporary release)* The motor vehicle has been seized for at least 24 hours, I am posting a bond equal to the fair market value of the motor vehicle as evidenced by the attached form AOC-CR-331A, I have not previously executed an acknowledgment naming the defendant named on the reverse side, and no bond posted by me to secure the release of this motor vehicle has previously been ordered forfeited.

Name, Address And Telephone No. Of Petitioner/Applicant (type or print)	*Date*	
	Signature Of Petitioner/Applicant	
	Drivers License No. (Individual Petitioner Only)	*State*

NOTE TO CLERK: *Immediately upon the filing of this form, report the owner's acknowledgment to DMV using STARS.*

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