

STATE OF NORTH CAROLINA

_____ County

**NOTICE OF (I) PROCESS FOR
REVOCATION OF PROVISIONAL LICENSE
AND (II) RIGHT TO CHALLENGE REVOCATION**

G.S. 20-13.3(c), (d2)

REVOCATION OF PROVISIONAL LICENSE

As required by G.S. 20-13.3(c), you are hereby notified of the following:

1. You have been charged with a "criminal moving violation" as defined in G.S. 20-13.3(a)(2).
2. You are a "provisional licensee" as defined in G.S. 20-13.3(a)(4), meaning that you are a person under the age of 18 who holds a limited learner's permit, a limited provisional license, or a full provisional license issued by the North Carolina Division of Motor Vehicles.
3. You are not subject to a pretrial civil revocation for alcohol-involved driving under G.S. 20-16.5.
4. Because of Nos. 1-3 above, **your limited learner's permit, limited provisional license, or full provisional license is subject to being revoked for at least thirty (30) calendar days** under G.S. 20-13.3.
5. A law enforcement officer will submit a revocation report to the Clerk of Superior Court in the county in which you have been charged, which is the county listed at top of this form.
6. If the clerk determines that a revocation is required by G.S. 20-13.3, **the clerk will mail to you by first-class United States mail an order revoking your limited learner's permit, limited provisional license, or full provisional license.** This order will appear on form AOC-CVR-14.
7. The revocation order will take effect on the fourth day after the clerk places the order in the mail.
8. The order will specify the date and time on which the revocation begins (i.e., the date and time on which you may no longer drive), and the date and time on which the revocation ends (i.e., the date and time on which you may drive again). **YOU WILL BE PROHIBITED FROM DRIVING AT ANY TIME OR FOR ANY PURPOSE DURING THE PERIOD OF THE REVOCATION.**
9. Once you receive it, carefully read the entire order, including the information in the NOTICE section of the order. If you have any questions about your rights and responsibilities under the order, you should consult an attorney licensed to practice law in North Carolina.
10. You have a right to challenge the revocation order, as explained in the next section of this notice and on the back side of this form.

RIGHT TO CHALLENGE REVOCATION

As further required by G.S. 20-13.3(c), you are hereby notified of the following:

1. If you receive a revocation order from the Clerk of Superior Court as described above, you have a right to a hearing to challenge the revocation. You are not required to challenge the revocation, however.
2. If you choose not to request a challenge hearing, the revocation simply will remain in effect for the period specified in the clerk's order.
3. If you choose to request a challenge hearing, you must complete and file a written request form, which is form AOC-CVR-16.
4. A copy of form AOC-CVR-16 is available from the Clerk of Superior Court in the county listed at the top of this form. It is also available online by entering "AOC-CVR-16" in the Form Number field at the following web address:
<http://www.nccourts.org/Forms/FormSearch.asp>.
5. You must file form AOC-CVR-16 no later than ten (10) days after the beginning date of the revocation. This beginning date will be listed on the revocation order that you receive in the mail from the clerk. You must file the form with the Office of the Clerk of Superior Court in the county listed at the top of this form, or with a magistrate designated by the clerk to receive the form.
6. You must specify on form AOC-CVR-16 the grounds upon which you are challenging the revocation, and the hearing will be limited to the grounds you specify.
7. The hearing will be held by a magistrate unless you request a hearing before a District Court Judge.
8. The revocation will remain in effect during the time leading up to the hearing.
9. For more information on this challenge process, please review the text of G.S. 20-13.3(d2), which appears on the back side of this form.
10. If you have any questions about your rights and responsibilities during the challenge process, you should consult an attorney licensed to practice law in North Carolina.

SIGNATURE OF LAW ENFORCEMENT OFFICER

| | | |
|------|---------------------------------|----------------------|
| Date | Name Of Officer (Type Or Print) | Signature Of Officer |
|------|---------------------------------|----------------------|

G.S. 20-13.3(d2) provided as follows:

“(d2) Hearing Before Magistrate or Judge If Provisional Licensee Contests Validity of Revocation. - A provisional licensee whose permit or license is revoked under this section may request in writing a hearing to contest the validity of the revocation. The request may be made at the time of the person’s initial appearance, or within 10 days of the effective date of the revocation to the clerk or a magistrate designated by the clerk, and may specifically request that the hearing be conducted by a district court judge. The Administrative Office of the Courts must develop a hearing request form for any provisional licensee requesting a hearing. Unless a district court judge is requested, the hearing must be conducted within the county by a magistrate assigned by the chief district court judge to conduct such hearings. If the provisional licensee requests that a district court judge hold the hearing, the hearing must be conducted within the district court district as defined in G.S. 7A-133 by a district court judge assigned to conduct such hearings. The revocation remains in effect pending the hearing, but the hearing must be held within three working days following the request if the hearing is before a magistrate or within ten working days if the hearing is before a district court judge. The request for the hearing must specify the grounds upon which the validity of the revocation is challenged, and the hearing must be limited to the grounds specified in the request. A witness may submit his evidence by affidavit unless he is subpoenaed to appear. Any person who appears and testifies is subject to questioning by the judicial official conducting the hearing, and the judicial official may adjourn the hearing to seek additional evidence if the judicial official is not satisfied with the accuracy or completeness of evidence. The provisional licensee contesting the validity of the revocation may, but is not required to, testify in his own behalf. Unless contested by the person requesting the hearing, the judicial official may accept as true any matter stated in the revocation report. If any relevant condition under subsection (b) of this section is contested, the judicial official must find by the greater weight of the evidence that the condition was met in order to sustain the revocation. At the conclusion of the hearing, the judicial official must enter an order sustaining or rescinding the revocation. The judicial official’s findings are without prejudice to the provisional licensee contesting the revocation and to any other potential party as to any other proceedings, civil or criminal, that may involve facts bearing upon the conditions in subsection (b) of this section considered by the judicial official. The decision of the judicial official is final and may not be appealed in the General Court of Justice. If the hearing is not held and completed within three working days of the written request for a hearing before a magistrate or within ten working days of the written request for a hearing before a district court judge, the judicial official must enter an order rescinding the revocation, unless the provisional licensee contesting the revocation contributed to the delay in completing the hearing. If the provisional licensee requesting the hearing fails to appear at the hearing or any rescheduling thereof after having been properly notified, the provisional licensee forfeits the right to a hearing.”

If you have any questions about your rights and responsibilities under this challenge process, you should consult an attorney licensed to practice law in North Carolina.