

RULES FOR LIMITED PRIVILEGE

There are not privileges available for all of the many reasons that your drivers license can be revoked. This paper explains the most common types of privileges available and the usual rules for those privileges. It is always best to check with an experienced attorney before doing legal work. The Judge, District Attorney, their assistants, and the clerk are not allowed to advise you or to fill out forms for you.

Privilege for Speeding or Careless and Reckless Revocation

(License revoked for speeding; two over 55 mph in one year, more than 15 mph and over 55 mph, two careless and reckless in one year, etc.)

General Rules:

1. Can get up to one year privilege if no convictions except the current one that led to suspension within one year (Measured from date of conviction to date of suspension). A PJC is not generally considered a conviction for this purpose. (But only allowed two PJC's every five years per person.)
2. If prior convictions within one year, can only get thirty day privilege regardless of length of revocation.

You need

1. Speeding privilege (filled out completely). (If speeding conviction happened in the county where you are filing, use the regular form, if not use the out of state/out of county form.)
2. NC driving record and a driving record from the state in which you are licensed if they are different.
3. Petition for limited privilege.

4. DL-123 (proof of insurance) form or DL-123A form (if you do not own a vehicle and only want to drive fleet motor vehicles) that is less than 30 days old.
5. Letter from employer justifying any hours other than Monday through Friday from 6:00a.m. To 8:00p.m.

You file the petition and other documents with the civil clerk of court, the clerk gets the case set in front of a Judge, you present evidence and documentation, and ask the Judge to sign.

The Judge can choose to sign it or not to sign it (it is in their discretion).

DWI/Open Container Privilege

You are only eligible for a DWI privilege if the following apply:

1. No other DWI convictions within 7 years (measured from date of conviction of prior DWI to the date of offense of current DWI).
2. You were over 21 years of age when you were charged with the current DWI.
3. You had a valid drivers license from the US or had a US drivers license that had expired less than one year when charged.
4. You have no other pending DWI charges.
5. You have paid your \$50 civil revocation fee.
6. Your drivers license is not currently revoked.
7. DL-123 (proof of insurance) form or DL-123A form (if you do not own a vehicle and only want to drive fleet motor vehicles) that is less than 30 days old.
8. You have completed an assessment and have a copy of that assessment
9. You have filed with the clerk of court a petition and proposed privilege

from

a licensed North Carolina assessor.

(filled out completely).

10. You have employer letters justifying hours outside of 6:00a.m to 8:00p.m.
Monday through Friday.
11. You were found guilty under level three, four, or five.
12. You have served any court ordered period of non-operation.
13. You have a current NC driving record and a driving record from the state
in which you are licensed if they are different.
14. If you tested .16 or over, you have proof of interlock installation.
15. You should present all this to the District Attorney in traffic court (2nd
Floor Courtroom #6) at the time of conviction. Following that, take all
papers to the traffic court and ask the District Attorney for permission to
speak to the Judge. The Judge can sign or not sign (it is in their
discretion).

DWI Pre-Trial Privilege

You are eligible for a pre-trial DWI privilege if the following apply:

1. Ten days of your 30 day suspension has elapsed.
2. DL-123 (proof of insurance) form or DL-123A form (if you do not own a
vehicle and only want to drive fleet motor vehicles) that is less than 30 days old.
3. You have completed and have a copy of an assessment from a NC licensed
assessor.
4. Your drivers license was not revoked at the time you were charged with the DWI
and is not now revoked for any other reason.
5. You have completely filled out the petition and limited driving privilege.
6. You have no other pending DWI charges.

7. You have a current NC record and a current record from the state in which you are licensed if they are different.
8. You have employer letters justifying any hours outside of 6 a.m.- 8 p.m. Monday through Friday.

You then present your documents to the District Attorney in traffic court and ask the Judge to sign the privilege. The Judge can sign or not sign (it is in their discretion).

This driving privilege is only effective for the remainder of your 30 days, after which time your drivers license will be restored (returned to you) once you have paid the \$50 civil restoration fee in cash to the clerk of court. Your drivers license will not be returned if it is revoked or becomes revoked during that thirty day period.

DWI Refusal Privilege

All rules for the DWI privilege apply here and also:

1. At least 6 months have elapsed since the DMV revoked your driver license for refusal.
2. You have had completed an assessment and have fully complied with any recommended treatment program and have written evidence of that for the court file.

I am happy to answer any questions or assist you.

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