

Applying For A Limited Driving Privilege When You Have A DWI Conviction in Mecklenburg County

If you have had your license taken away because you have been convicted of a DWI in Mecklenburg County, you may be eligible for a Limited Driving Privilege. You need to know who your sentencing judge was and he must decide whether or not to grant a limited privilege. You may wish to consult an attorney to help you apply for a privilege. You will need the following:

1. Three copies of a Limited Driving Privilege (Form AOC-CR-312) *OR* Interlock Limited Driving Privilege (Form AOC-CR-340). These forms are attached.

2. A Certified Driving History from DMV in Raleigh.

- To obtain a driving history record from DMV, the applicant must first fill out a release form (Form DL DPPA-1) which is attached.
- The release form must be mailed to the DMV along with a cashier's check in the amount of \$7.00 to:

Motor Vehicle Records
Drivers License Division
1100 New Bern Avenue
Raleigh, North Carolina 27697
(919) 715-7000

3. A DL-123 form. This is certification from your insurance company and/or agent that you have valid, current insurance coverage. If you don't own a vehicle, you will need a form DL-123A, also obtainable from your insurance company and/or agent. These insurance certifications are only valid for thirty (30) days from the date you receive it.

4. A Substance Abuse Assessment. Attach a copy of your assessment evaluation. In addition to the assessment itself, which costs \$50.00, you must enroll in any treatment/education recommended by the agency. Attached is a list of licensed assessing agencies in Mecklenburg County.

5. Letter from your employer if you desire driving hours in addition to 6 a.m. to 8 p.m., Monday through Friday. If you are self-employed, you must provide a letter, which outlines when and why you need to drive outside the hours of 6 a.m. to 8 p.m., Monday through Friday.

6. A receipt or other proof from the Clerk of Court's Office that the \$50.00 restoration fee has been paid. This is done in Room 4401 of the Criminal Courts Building.

7. IMPORTANT: If you were arrested for DWI on or after July 1, 2000, and you blew .16 or higher on the intoxilizer, you MUST USE THE INTERLOCK LIMITED DRIVING PRIVILEGE (AOC-CR-340) FORM. You MUST also have an ignition interlock device installed on your vehicle BEFORE a judge will sign your limited privilege.

The ignition interlock is an alcohol detection device that requires the driver to blow into the unit before the vehicle is started and randomly thereafter. If the device detects alcohol on the driver's breath, the vehicle will not operate. The device costs \$176.00 at

installation and \$50.00 per month thereafter. You must call Monitech, Inc. at 800-521-4246 to schedule installation. You must submit proof of installation along with the other items listed above.

6. If you refused to take the intoxilizer at the time of your arrest, your license was immediately revoked for twelve months. Before you can apply for a limited privilege, your license must have been revoked at least six months for the refusal. After the six month period, you may qualify for a limited privilege if at the time of the refusal you:

- a) had a valid driver's license or a license that had been expired for less than one year;
- b) had no impaired driving convictions for the preceding seven years;
- c) had not willfully refused to submit to a chemical analysis within the preceding seven years.

In addition, the Court must find that:

- a) the offense did not involve death or critical injury to another person;
- b) the underlying charge has been finally disposed of; if you were convicted, you must have complied with at least one of the mandatory conditions of probation imposed by the Court;
- c) subsequent to the refusal, you have not had any unresolved pending charges for or additional convictions for an offense involving impaired driving;
- d) you have obtained a substance abuse assessment AND successfully completed any recommended treatment.

You will still need to comply with the requirements listed in paragraphs 1 through 6 listed above.

9. You will need three (3) sets of all these materials to take to Suite 3304 of the Criminal Courts Building. The judge who sentenced you for the DWI will consider signing your driving privilege. You may have to return at a later time or on a later date to pick up your paperwork. If the judge who sentenced you does not usually hold court in Mecklenburg County, only the Chief District Court Judge can consider signing a driving privilege. Judges have discretion to grant or deny your request.

10. If your paperwork is signed you must take it directly to Room 4401 of the Criminal Courts Building. The driving privilege will not be valid until the Clerk in that room gives you a stamped, official copy.