

Driving While Impaired (DWI) Memo

The following is a short explanation regarding some of the aspects of your DWI case:

1. **30-Day Revocation.** In the event you have a blood alcohol reading of 0.08 or greater, or you refuse to submit to a blood or breath test, your license will be revoked by the Magistrate for a period of thirty (30) days from the date of your arrest. You must pay **\$100.00** to the **Clerk of Court** after thirty (30) days in order to reinstate your driving privileges. Your failure to do so will mean that your license will stay revoked until you pay the \$100.00 fee. Your license is revoked until _____ (please contact our office regarding this date), and you must pay this restoration fee by this date.

2. **Pretrial Limited Driving Privilege.** If you had a valid license at the time you were arrested, you would be eligible for a Pretrial Limited Driving Privilege ten (10) days after your arrest. To obtain this privilege, you must obtain an Alcohol Assessment and provide proof of insurance through either a copy of the declaration page of your insurance policy or have your insurance agent complete a DL-123 form.

There are several conditions on the Pretrial Driving Privilege. You cannot drive with any alcohol on your breath or in your body at all. Driving is limited from 6:00 a.m. until 8:00 p.m. Monday through Friday. To drive at other hours for employment, you must sign a statement showing your hours of employment, and the driving must be employment related only. There is a **\$100.00** fee charged by the **Clerk of Court** for the issuance of a Limited Driving Privilege. You are eligible for a Pretrial Driving Privilege on _____ (please contact our office regarding this date). This privilege is only valid for twenty (20) days as stated on the privilege. You must pay the license restoration fee as shown in Paragraph 2 above in order to drive after the Pretrial Limited Driving Privilege expires.

3. **Revocations for Refusal to submit to chemical test.** If you refused to submit to either a breath or blood test, the North Carolina Division of Motor Vehicles will suspend your driver's license for a period of one (1) year. This one (1) year period of revocation is in addition to the thirty (30) day revocation as shown above. This one (1) year revocation may be delayed temporarily. You should discuss this with us immediately and prior to receiving notification from the Division of Motor Vehicles.

If the revocation is upheld, you may be eligible for a Refusal Limited Driving Privilege after six (6) months. This privilege is valid for six months, and conditions are similar to the Limited Driving Privilege discussed in Paragraph 4. An Alcohol Assessment and proof of insurance is required. The **Clerk of Court** charges a **\$100.00** fee for the issuance of a Refusal Limited Driving Privilege.

4. Limited Driving Privilege. If you are convicted or plead guilty to the DWI charge, the Court is required to suspend your license for a period of at least one (1) year. However, you may be eligible for a Limited privilege, which will enable you to drive during that one (1) year period of revocation.

To be eligible for a Limited privilege, you must not have a conviction of DWI within seven (7) years from the date of your arrest. An Alcohol Assessment and proof of insurance is required. There are several conditions on the Limited Driving Privilege. You cannot drive with any alcohol on your breath or in your body at all. Driving is limited from 6:00 a.m. until 8:00 p.m. Monday through Friday. To drive at other hours, you must sign a statement showing your hours of employment, and the driving must be employment related only. The **Clerk of Court** charges a **\$100.00** fee for the issuance of a Limited Driving Privilege.

5. Interlock Device. If you have a blood or breath alcohol of 0.15 or more, you must have an Interlock Device installed on your vehicle, to obtain a Interlock Limited Driving Privilege. This Interlock Limited Driving Privilege cannot be issued until at least forty-five (45) days after your conviction. We have a separate information sheet regarding the cost of the Interlock Device, and locations where the device can be installed.

Please note, you must have the Interlock installed for a minimum period of one year. DMV may require an additional period of time with the Interlock condition. When your Interlock Driving Privilege expires, you will be required to pay a license restoration fee and your license will be reinstated with the Interlock condition. Once the Interlock condition expires, you can re-apply for a license without this condition.

6. Post-conviction reinstatement of license. If you are convicted or plead guilty to DWI, your license or privilege will be revoked for at least one (1) year. In some cases, it will be a longer period depending upon your driving history.

To be eligible to have your license reinstated, you must obtain the Alcohol Assessment and complete the recommended course of treatment. This all must be done within twelve (12) months of the date of your conviction.

If you fail to complete the treatment within the twelve (12) month period, then any limited driving privilege that you have obtained is revoked, and you cannot drive in North Carolina, under any circumstances, until you obtain a new assessment and complete the recommended treatment.

These are some, but not all, of the issues involved with a Driving While Impaired charge. Please feel free to contact us regarding the specifics of your case.