

In The General Court Of Justice

District Superior Court Division

_____ County

IN THE MATTER OF:

**PETITION FOR
LIMITED DRIVING PRIVILEGE
PRETRIAL REVOCATION
(IMPLIED-CONSENT OFFENSE)**

G.S. 20-16.5

Name And Address Of Applicant

Race Sex Height Weight

Hair Color Eye Color Date Of Birth Drivers License No. State

Date Of Offense Date Of Revocation If Different From Offense Date

I, the undersigned applicant, request the Court to issue a limited driving privilege to me pursuant to G.S. 20-16.5(p). I certify that:

1. My license was revoked by the District Court Division of the General Court of Justice in the county shown above.
2. I meet all of the eligibility requirements for a limited driving privilege under G.S. 20-16.5(p). (NOTE: See reverse side for eligibility requirements.)
3. I have attached a copy of the revocation order issued in this case.
4. I have attached the required documentation of my need to engage in employment-related driving at times other than 6:00 A.M. to 8:00 P.M. on Monday through Friday.
5. (Check if license revoked indefinitely.) I need a limited driving privilege to overcome undue hardship.

NOTE TO APPLICANT: You may attach any documentation to support your allegation of undue hardship. You may be required to provide additional documentation, which may include a copy of your driving record and/or evidence of financial responsibility (insurance).

Date Signature Of Applicant

NOTICE OF HEARING

Notice To The District Attorney:

The applicant named above will apply to the district court judge presiding at the date, time and place of hearing shown below for issuance of a limited driving privilege.

Date Of Hearing Time Of Hearing AM PM Date

Place Of Hearing Signature
 Deputy CSC Assistant CSC Clerk Of Superior Court

CERTIFICATION

I certify that on this date, I filed a copy of this Petition with the district attorney's office

- in person. by depositing same in the U. S. mail in an envelope bearing proper postage.
 Other: _____

Date Signature Deputy CSC Assistant CSC Clerk Of Superior Court

WAIVER

I, the undersigned Prosecutor, waive the statutory requirement of the Clerk to file a copy of this Petition with the District Attorney's office and further waive the right to appear at a hearing on this Petition for limited driving privilege.

Date Name Of Prosecutor (Type Or Print) Signature Of Prosecutor

NOTE: The Clerk of Superior Court upon the filing of this Petition with a notice of hearing, should immediately file a copy with the District Attorney's office and sign the certification, unless the Prosecutor waives the right to having this Petition filed with his/her office.

Eligibility requirements pursuant to G.S. 20-16.5(p) are as follows:

If drivers license was revoked for a thirty (30) or forty-five (45) day period:

1. At the time of the alleged offense the defendant held either a valid drivers license or a license that had been expired for less than one year;
2. The defendant does not have an unresolved pending charge involving impaired driving except the charge for which the license is currently revoked or additional convictions of an offense involving impaired driving since being charged for the violation for which the license is currently revoked under 20-16.5;
3. The defendant's license has been revoked for at least ten (10) days if the revocation is for thirty (30) days or thirty (30) days if the revocation is for forty-five (45) days; and
4. The defendant has obtained a substance abuse assessment from a mental health facility and registered for and agreed to participate in any recommended training or treatment program.

If drivers license was revoked indefinitely:

1. At the time of the alleged offense the defendant held either a valid drivers license or a license that had been expired for less than one year;
2. At the time of the alleged offense the defendant had not within the preceding seven (7) years been convicted of an offense involving impaired driving;
3. Subsequent to the alleged offense, the defendant has not been convicted of, or had an unresolved charge lodged against him/her for, an offense involving impaired driving;
4. The defendant must have completed either: (i) thirty (30) days of the period of license revocation for the current offense if the defendant was present when the license was revoked or if the defendant was not present but surrendered his/her license within five (5) working days after the effective date of the revocation order, or (ii) forty-five (45) days of the period of license revocation for the current offense if the defendant was not present when the license was revoked and did not surrender his/her license within five (5) working days of the effective date of the revocation order.
5. The defendant has obtained and filed with the court a substance abuse assessment conducted by one of the entities authorized by the Department of Health and Human Services to conduct assessments; and
6. A limited driving privilege is necessary to overcome undue hardship.