

EASTERN BAND OF CHEROKEE INDIANS

Cherokee, NC

File No.

In The Cherokee Court

VERSUS

Name And Address of Defendant

LIMITED DRIVING PRIVILEGE IMPAIRED DRIVING OR OPEN CONTAINER OR UNDERAGE ALCOHOL VIOLATION (N.C. CONVICTIONS ONLY)

G.S. 20-17.3, 20-179.3, 20-138.3(d), 20-138.7(h)

Race Sex Height Weight

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

Date of Offense Date of Conviction

NOTE: Use AOC-CV-352 when defendant's license was revoked for a conviction in another state or in a federal court. Use AOC-CR-340 when imposing an ignition interlock restriction.

FINDINGS

Upon application of the defendant for a limited driving privilege, the Court finds that:

1. The defendant has been convicted of impaired driving under G.S. 20-138.1; G.S. 20-138.2; G.S. 20-138.3; or the defendant has been convicted of a second or subsequent offense of transporting an open container of alcoholic beverage under G.S. 20-138.7(a); or the defendant has been convicted under G.S. 18B-302(a1); or the defendant has been convicted under G.S. 18B-302(c);
2. At the time of the offense, the applicant held either a valid drivers license or a license that had been expired for less than one (1) year;
3. At the time of the offense, the defendant had not within the preceding seven (7) years been convicted of an offense involving impaired driving;
4. Punishment level three, four, or five has been imposed upon the defendant for the offense of impaired driving, or the defendant has been convicted under G.S. 20-138.3, or the defendant has been convicted of a second or subsequent offense under G.S. 20-138.7(a), or the defendant has been convicted under G.S. 18B-302(a1), or the defendant has been convicted under G.S. 18B-302(c);
5. Subsequent to the offense, the defendant has not been convicted of, or had an unresolved charge lodged against the defendant for, an offense involving impaired driving;
6. The records of the Division of Motor Vehicles and the Clerk of Superior Court in this county have been searched, and there are no other revocations in effect at this time;
7. The defendant has obtained and filed with the court a substance abuse assessment;
8. If convicted only under G.S. 20-138.3, the defendant was 18, 19, or 20 years old on the date of the offense and has not previously been convicted of a violation of G.S. 20-138.3; (NOTE: Even if the defendant was 18, 19 or 20 years old at the time of the offense, he/she may not receive a limited driving privilege if his/her current conviction was under either (1) G.S. 20-138.1 and G.S.20.138.3.)
9. a. The Court has been furnished a properly executed form DL-123 and is satisfied that the defendant is financially responsible.
 b. The defendant has executed form DL-123A and is not required to furnish proof of financial responsibility.

ORDER

It is ORDERED that the defendant be allowed a limited driving privilege to be effective on the date indicated below to be used in accordance with the restrictions imposed on the reverse of this form, and to expire one year from the date on which the Division of Motor Vehicles revokes the defendant's drivers license pursuant to G.S. 20-17(a)(2), G.S. 20-13.2(a), G.S. 20-17(a)(12), or G.S. 20-17.3. This limited driving privilege is conditioned upon the maintenance of any financial responsibility required by G.S. 20-179.3(l) during the period of this privilege.

Effective Date

Date

NOTE TO DEFENDANT: This privilege is no longer valid after the revocation period for the offense of which you were convicted has ended, or if your drivers license remains revoked solely because the Division of Motor Vehicles has not obtained a certificate of your completion of a substance abuse treatment program or an alcohol and drug education traffic school.

Signature of Judge

Name of Judge (Type or Print)