

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1283
HOUSE BILL 581

1 AN ACT TO ALLOW JUDGES TO ISSUE LIMITED DRIVING PERMITS TO PERSONS
2 CONVICTED OF FIRST OFFENSES OF DRIVING WHILE UNDER THE INFLUENCE
3 OF INTOXICATING LIQUOR.
4

5 The General Assembly of North Carolina do enact:
6

7 **Section 1.** G.S. 20-179 as the same appears in the 1967 Supplement to the 1965
8 Replacement Volume 1C of the General Statutes is amended by designating the existing
9 paragraph thereof as "(a)" and by adding a new paragraph at the end thereof to be designated
10 "(b)" to read as follows:

11 "(b) Upon a first conviction only, the trial judge may when feasible as a condition of a
12 suspended sentence, allow a limited driving privilege or license to the person convicted for
13 proper purposes reasonably connected with the health, education and welfare of the person
14 convicted and his family. The judge may impose upon such limited driving privilege any
15 restrictions as in his discretion are deemed advisable including, but not limited to, conditions of
16 days, hours, types of vehicles, routes, geographical boundaries and specific purposes for which
17 limited driving privilege is allowed. Any such limited driving privilege allowed and restrictions
18 imposed thereon shall be specifically recorded in a written judgment which shall be as near as
19 practical as that hereinafter set forth and shall be signed by the trial judge and shall be affixed
20 with the seal of the court and shall be made a part of the records of the said court. A copy of
21 said judgment shall be transmitted to the Department of Motor Vehicles along with any
22 operator's or chauffeur's license in the possession of the person convicted and a notice of the
23 conviction. Such permit issued hereunder shall be valid for such length of time as shall be set
24 forth in the judgment of the trial judge. Such permit shall constitute a valid license to operate
25 motor vehicles upon the streets and highways of this or any other state in accordance with the
26 restrictions noted thereon and shall be subject to all provisions of law relating to operator's or
27 chauffeur's license, by their nature, rendered inapplicable.

28 **Sec. 2.** The Judgment issued by the trial judge as herein permitted shall as near as
29 practical be in form and contents as follows:

30 STATE OF NORTH CAROLINA
31 COUNTY OF _____

In the General Court of Justice

RESTRICTED DRIVING PRIVILEGES

33 This cause coming on to be heard and being heard before the Honorable_____,
34 Judge presiding, and it appearing to the Court that the defendant,_____, has been
35 convicted of the offense of operating a motor vehicle while under the influence of intoxicating
36 beverages, and it further appearing to the Court that the defendant should be issued a restrictive
37 driving license and is entitled to the issuance of a restrictive driving privilege under and by the
38 authority of General Statutes 20-179 Subsection D;

39 Now, therefore, it is ordered, adjudged and decreed that the defendant be allowed to
40 operate a motor vehicle under the following conditions and under no other circumstances.

41 Name: _____

42 Race: _____ Sex: _____

43 Height: _____ Weight: _____

1 Color of Hair: _____ Color of Eyes: _____
2 Birth Date: _____
3 Drivers License Number: _____
4 Signature of Licensee: _____

5 Conditions of Restriction (Indicate if none)

6 Type of Vehicle: _____

7 Geographic Restrictions: _____

8 Hours of Restriction: _____

9 Other Restrictions: _____

10 This limited license shall be effective from _____
11 _____ to _____ sub
12 ject to further orders as the Court in its discretion may deem necessary and proper.

13 This the _____ day of _____, 1969.

14 _____
15 Judge Presiding

16 **Sec. 3.** Upon conviction of such offense outside the jurisdiction of this state the
17 person so convicted may apply to the resident judge of the Superior Court of the district in
18 which he resides for limited driving privileges hereinbefore defined. Upon such application the
19 judge shall have the authority to issue such limited driving privileges in the same manner as if
20 he were the trial judge.

21 **Sec. 4.** Any violation of the restrictive driving privileges as set forth in the
22 judgment of the trial judge allowing such privileges shall constitute the offense of driving while
23 license have been suspended and revoked as set forth in G.S. 20-28. Whenever a person is
24 charged with operating a motor vehicle in violation of the restrictions, the limited driving
25 privilege shall be suspended pending the final disposition of the charge.

26 **Sec. 5.** This action is supplemental and in addition to existing law and shall not be
27 construed so as to repeal any existing provision contained in the General Statutes of North
28 Carolina.

29 **Sec. 6.** This Act shall become effective upon its ratification, and shall expire at
30 midnight on June 30, 1971; provided, that the expiration of this Act shall not affect the orders
31 or judgments of any court rendered during the effective period of this Act.

32 In the General Assembly read three times and ratified, this the 2nd day of July,
33 1969.