NORTH CAROLINA · DWI CHECKLIST

North Carolina DWI Checklist

What to do today, this week, and before your court date. Print it. Check things off. One step at a time.

YOUR FIRST DEADLINE

10 days to act on your Civil license revocation (G.S. 20-16.5) and DMV refusal revocation (G.S. 20-16.2)

To contest the 30-day civil revocation, ask at your initial appearance or within 10 days of the revocation's effective date (usually the day you are charged), in writing to the clerk or a designated magistrate. The revocation stays in effect while you wait. For a refusal, the separate 12-month DMV revocation has its own hearing: request it in writing before the order's effective date (the 30th day after mailing).

Who: Clerk of Superior Court / magistrate (civil revocation); N.C. Division of Motor Vehicles (refusal revocation)

KEY FACTS

SUSPENSION, 1ST FAILED TEST

30-day civil revocation (0.08 or more); limited driving privilege possible after 10 days

SUSPENSION, 1ST REFUSAL

30-day civil revocation plus a 12-month DMV revocation

1ST OFFENSE CHARGE

Misdemeanor, sentenced at Level Five, Four, or Three when there are no grossly aggravating factors. A child under 18 in the car makes it at least Level One.

1ST OFFENSE FINE

Up to $200 (Level Five), $500 (Level Four), or $1,000 (Level Three)

1ST OFFENSE JAIL

Level Five: 24 hours to 60 days. Level Four: 48 hours to 120 days. Level Three: 72 hours to 6 months.

INSURANCE FILING

Proof of insurance required; see your guide

PRIOR OFFENSES

Priors within 7 years count

IGNITION INTERLOCK

Required to get your license back after a DWI conviction with an alcohol concentration of 0.15 or more, and after certain repeat convictions. A judge may also require it as a condition of a limited driving privilege.

1 First 24 Hours

- [ ] **Civil license revocation (G.S. 20-16.5) and DMV refusal revocation (G.S. 20-16.2): act within 10 days. To contest the 30-day civil revocation, ask at your initial appearance or within 10 days of the revocation's effective date (usually the day you are charged), in writing to the clerk or a designated magistrate. The revocation stays in effect while you wait. For a refusal, the separate 12-month DMV revocation has its own hearing: request it in writing before the order's effective date (the 30th day after mailing).**

- [ ] Read the revocation order from the magistrate — With a test result of 0.08 or more, or a refusal, the magistrate orders a 30-day civil revocation on the spot. Surrender your license as ordered. The 30 days run from surrender.

- [ ] Decide within 10 days whether to contest it — You can contest the civil revocation at your first appearance or within 10 days of its effective date. Ask the clerk of court in writing, and state the grounds. The hearing must be held within 3 working days before a magistrate or 5 before a judge.

- [ ] If you refused, watch your mail from DMV — DMV mails a separate 12-month revocation order. It takes effect on the 30th day after mailing unless you request a DMV hearing in writing before then (form HF-001).

- [ ] Plan for a limited driving privilege — After 10 days of the 30-day civil revocation you may qualify for a limited driving privilege from the court for work, school, and other essential driving. You usually need a substance abuse assessment and proof of insurance.

- [ ] Start gathering mitigating factors — At sentencing the judge weighs factors such as a clean driving record, a completed assessment and treatment, and the alcohol level. Documents you gather now can move you to a lower level.

- [ ] Talk to a lawyer about the levels — Which grossly aggravating factors apply decides your minimum jail time. A lawyer can tell you which ones the state can prove.

2 Court

- [ ] Magistrate and civil revocation — After the arrest you go before a magistrate. With a result of 0.08 or more, or a refusal, the magistrate orders the 30-day civil revocation.

- [ ] First appearance in District Court — The DWI is set in District Court. You can contest the civil revocation at your first appearance or within 10 days of its effective date.

- [ ] Trial before a district judge — A DWI is tried in District Court by a judge, not a jury. You can plead guilty or have the state prove its case.

- [ ] Sentencing hearing — After a conviction, the judge holds a sentencing hearing under G.S. 20-179. The judge weighs grossly aggravating, aggravating, and mitigating factors (form AOC-CR-311) and picks Level Five through Aggravated Level One.

- [ ] Appeal to Superior Court — You can appeal for a trial de novo with a jury. Give notice in open court, or in writing to the clerk within 10 days of judgment. If you later withdraw the appeal, the District Court holds a new sentencing hearing.

3 Getting Your License Back

- [ ] DWI substance abuse assessment, then ADETS (Alcohol and Drug Education Traffic School) or treatment: DMV will not restore your license after a DWI conviction until it gets a certificate of completion. To earn one, get an assessment from an agency authorized by DHHS, then finish ADETS or a treatment program, depending on the result. The revocation is extended until DMV has the certificate.
- [ ] Ignition interlock: Required to get your license back after a DWI conviction with an alcohol concentration of 0.15 or more, and after certain repeat convictions. A judge may also require it as a condition of a limited driving privilege.
- [ ] Get proof of insurance before you reinstate your license.
- [ ] Ask about a Limited driving privilege: Petition the District Court judge, with your substance abuse assessment and proof of insurance. For the pretrial privilege during the civil revocation, use form AOC-CVR-9.

Your full North Carolina DWI guide

Deadlines, penalties, the court process, license hearings, and FAQs, with links to the official sources.

https://dui911.org/north-carolina

Official source for your license deadline: https://www.ncdot.gov/dmv/license-id/license-suspension/Pages/default.aspx

This checklist is educational and is not legal advice. Laws, deadlines and fees change; confirm them with the agency or a licensed North Carolina attorney before you rely on them. DUI911.org is not a law firm and is not affiliated with any law firm, interlock company or insurer.