



CHAPTER 20

ARTICLE 2 - UNIFORM DRIVER'S LICENSE ACT

N.C.G.S. § 20-28.

Unlawful to drive while license revoked, after notification, or while disqualified.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2021-180, s. 19C.9(t) — thirty-fourth act in the lineage	21 September 2026, 03:30 UTC	d337eed08cfe71fb5f6d6bbe - 6c64e0e0cf30eac73fb48a56 - 793d4296f0e37fa3

§ 20-28(a) Driving While License Revoked. - Except as provided in subsections (a1) or (a2) of this section, any person whose drivers license has been revoked who drives any motor vehicle upon the highways of the State while the license is revoked is guilty of a Class 3 misdemeanor.

§ 20-28(a1) Driving While License Revoked for Impaired Driving. - Any person whose drivers license has been revoked for an impaired driving revocation as defined in G.S. 20-28.2(a) and who drives any motor vehicle upon the highways of the State is guilty of a Class 1 misdemeanor. Upon conviction, the person's license shall be revoked for an additional period of one year for the first offense, two years for the second of - fense, and permanently for a third or subsequent offense.

If the person's license was originally revoked for an impaired driving revocation, the court may order as a condition of probation that the offender abstain from alcohol consumption and verify compliance by use of a continuous alcohol monitoring system, of a type approved by the Division of Community Supervision and Reentry of the Department of Adult Correction, for a minimum period of 90 days.

The restoree of a revoked drivers license who operates a motor vehicle upon the highways of the State without maintaining financial responsibility as provided by law shall be punished as for driving without a license.

§ 20-28(a2) Driving Without Reclaiming License. - A person convicted under subsection (a) or (a1) of this section shall be punished as if the person had been convicted of driving without

a license under G.S. 20-35 if the person demonstrates to the court that either of the following is true:

- (1) At the time of the offense, the person's license was revoked solely under G.S. 20-16.5 and one of the following applies:
 - a. The offense occurred more than 45 days after the effective date of a revocation order issued under G.S. 20-16.5(f) and the period of revocation was 45 days as provided under subdivision (3) of that subsection; or
 - b. The offense occurred more than 30 days after the effective date of the revocation order issued under any other provision of G.S. 20-16.5.
- (2) At the time of the offense the person had met the requirements of G.S. 50-13.12, or G.S. 110-142.2 and was eligible for reinstatement of the person's drivers license privilege as provided therein.

In addition, a person punished under this subsection shall be treated for drivers license and insurance rating purposes as if the person had been convicted of driving without a license under G.S. 20-35, and the conviction report sent to the Division must indicate that the person is to be so treated.

§ 20-28(a3)

Driving After Notification or Failure to Appear. - A person shall be guilty of a Class 1 misdemeanor if:

- (1) The person operates a motor vehicle upon a highway while that person's license is revoked for an impaired drivers license revocation after the Division has sent notification in accordance with G.S. 20-48; or
- (2) The person fails to appear for two years from the date of the charge after being charged with an implied-consent offense.

Upon conviction, the person's drivers license shall be revoked for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense. The restoree of a revoked drivers license who operates a motor vehicle upon the highways of the State without maintaining financial responsibility as provided by law shall be punished as for driving without a license.

§ 20-28(b)

Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 3.

§ 20-28(c)

When Person May Apply for License. - A person whose license has been revoked may apply for a license as follows:

- (1) If revoked under subsection (a1) of this section for one year, the person may apply for a license after 90 days.
- (2) If punished under subsection (a2) of this section and the original revocation was pursuant to G.S. 20-16.5, in order to obtain reinstatement of a drivers license, the person must obtain a substance abuse assessment and show proof of financial responsibility to the Division. If the assessment recommends education or treatment, the person must complete the education or treatment within the time limits specified by the Division.
- (3) If revoked under subsection (a3) of this section for one year, the person may apply for a license after one year.
- (4) If revoked under this section for two years, the person may apply for a license after one year.
- (5) If revoked under this section permanently, the person may apply for a license after three years.

§ 20-28(c1)

Upon the filing of an application the Division may, with or without a hearing, issue a new license upon satisfactory proof that the former licensee has not been convicted of a moving violation under this Chapter or the laws of another state, a violation of any provision of the alcoholic beverage laws of this State or another state, or a violation of any provisions of the drug laws of this State or another state when any of these violations occurred during the revocation period. For purposes of this subsection, a violation of subsection (a) of this section shall not be considered a moving violation.

§ 20-28(c2)

The Division may impose any restrictions or conditions on the new license that the Division considers appropriate for the balance of the revocation period. When the revocation period is permanent, the restrictions and conditions imposed by the Division may not exceed three years.

§ 20-28(c3)

A person whose license is revoked for violation of subsection (a1) of this section where the person's license was originally revoked for an impaired driving revocation, or a person whose license is revoked for a violation of subsection (a3) of this section, may only have the license conditionally restored by the Division pursuant to the provisions of subsection (c4) of this section.

§ 20-28(c4)

For a conditional restoration under subsection (c3) of this section, the Division shall require at a minimum that the driver obtain a substance abuse assessment prior to

issuance of a license and show proof of financial responsibility. If the substance abuse assessment recommends education or treatment, the person must complete the education or treatment within the time limits specified. If the assessment determines that the person abuses alcohol, the Division shall require the person to install and use an ignition interlock system on any vehicles that are to be driven by that person for the period of time that the conditional restoration is active.

§ 20-28(c5)

For licenses conditionally restored pursuant to subsections (c3) and (c4) of this section, the Division shall cancel the license and impose the remaining revocation period if any of the following occur:

- (1) The person violates any condition of the restoration.
- (2) The person is convicted of any moving offense in this or another state.
- (3) The person is convicted for a violation of the alcoholic beverage or controlled substance laws of this or any other state.

§ 20-28(d)

Driving While Disqualified. - A person who was convicted of a violation that disqualified the person and required the person's drivers license to be revoked who drives a motor vehicle during the revocation period is punishable as provided in subsection (a1) of this section. A person who has been disqualified who drives a commercial motor vehicle during the disqualification period is guilty of a Class 1 misdemeanor and is disqualified for an additional period as follows:

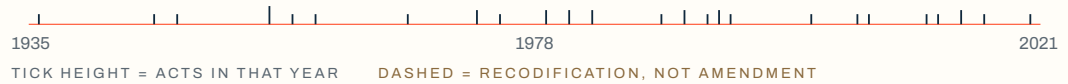
- (1) For a first offense of driving while disqualified, a person is disqualified for a period equal to the period for which the person was disqualified when the offense occurred.
- (2) For a second offense of driving while disqualified, a person is disqualified for a period equal to two times the period for which the person was disqualified when the offense occurred.
- (3) For a third offense of driving while disqualified, a person is disqualified for life.

The Division may reduce a disqualification for life under this subsection to 10 years in accordance with the guidelines adopted under G.S. 20-17.4(b). A person who drives a commercial motor vehicle while the person is disqualified and the person's drivers license is revoked is punishable for both driving while the person's license was revoked and driving while disqualified.

APPARATUS I
34 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1935	c. 52, s. 22	ENACTED
02	1945	c. 635	AMENDED
03	1947	c. 1067, s. 16	AMENDED
04	1955	c. 1020, s. 1	AMENDED
05	1955	c. 1152, s. 18	AMENDED
06	1955	c. 1187, s. 20	AMENDED
07	1957	c. 1046	AMENDED
08	1959	c. 515	AMENDED
09	1967	c. 447	AMENDED
10	1973	c. 47, s. 2	AMENDED
11	1973	cc. 71, 1132	AMENDED
12	1975	c. 716, s. 5	AMENDED
13	1979	c 377, ss. 1, 2	AMENDED
14	1979	c. 667, s. 41	AMENDED
15	1981	c. 412, s. 4	AMENDED
16	1981	c. 747, s. 66	AMENDED
17	1983	c. 51	AMENDED
18	1983	1983 (Reg. Sess., 1984), c. 1101, s. 18A	AMENDED
19	1989	c. 771, s. 4	AMENDED
20	1991	c. 509, s. 2	AMENDED
21	1991	c. 726, s. 12	AMENDED
22	1993	c. 539, ss. 320-322	AMENDED
23	1994	Ex. Sess., c. 24, s. 14(c)	AMENDED

24	1994	1993 (Reg. Sess., 1994), c. 761, ss. 2, 3	AMENDED
25	1995	c. 538, s. 2(e), (f)	AMENDED
26	2002	S.L. 2002-159, s. 6	AMENDED
27	2006	S.L. 2006-253, s. 22.1	AMENDED
28	2007	S.L. 2007-493, ss. 4, 19	AMENDED
29	2012	S.L. 2012-146, s. 8	AMENDED
30	2013	S.L. 2013-360, s. 18B.14(f)	AMENDED
31	2015	S.L. 2015-186, s. 2	AMENDED
32	2015	S.L. 2015-264, ss. 38(a), 86	AMENDED
33	2017	S.L. 2017-186, s. 2(kkkk)	AMENDED
34	2021	S.L. 2021-180, s. 19C.9(t)	AMENDED

APPARATUS II
8 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 20-28.2(a)	(a1)	<i>"impaired driving revocation as defined in"</i>
G.S. 20-35	(a2)	<i>"of driving without a license under"</i>
G.S. 20-16.5	(a2)(1)	<i>"person's license was revoked solely under"</i>
G.S. 20-16.5(f)	(a2)	<i>"of a revocation order issued under"</i>
G.S. 50-13.12	(a2)(2)	<i>"person had met the requirements of"</i>
G.S. 110-142.2	(a2)(2)	<i>"the requirements of G.S. 50-13.12, or"</i>
G.S. 20-48	(a3)(1)	<i>"has sent notification in accordance with"</i>
G.S. 20-17.4(b)	(d)	<i>"accordance with the guidelines adopted under"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 20-28 (2021).

PINPOINT

N.C. Gen. Stat. § 20-28(a) (2021).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1935, c. 52, s. 22; 1945, c. 635; 1947, c. 1067, s. 16; 1955, c. 1020, s. 1; c. 1152, s. 18; c. 1187, s. 20; 1957, c. 1046; 1959, c. 515; 1967, c. 447; 1973, c. 47, s. 2; cc. 71, 1132; 1975, c. 716, s. 5; 1979, c. 377, ss. 1, 2; c. 667, s. 41; 1981, c. 412, s. 4; c. 747, s. 66; 1983, c. 51; 1983 (Reg. Sess., 1984), c. 1101, s. 18A; 1989, c. 771, s. 4; 1991, c. 509, s. 2; c. 726, s. 12; 1993, c. 539, ss. 320-322; 1994, Ex. Sess., c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 761, ss. 2, 3; 1995, c. 538, s. 2(e), (f); 2002-159, s. 6; 2006-253, s. 22.1; 2007-493, ss. 4, 19; 2012-146, s. 8; 2013-360, s. 18B.14(f); 2015-186, s. 2; 2015-264, ss. 38(a), 86; 2017-186, s. 2(kkkk); 2021-180, s. 19C.9(t).)

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