



FREE GUIDE · CRIMINAL DEFENSE

Charged With DWI in *North Carolina*

What happens after the arrest, what's at stake for your license and your record, and the deadlines that matter in the first few weeks.

Buzzard Law Firm
728 S. Main St., Lillington, NC

910-893-2900
Harnett County defense lawyers

WHY THIS GUIDE MATTERS

A DWI charge is two cases at once.

After a DWI arrest in North Carolina, you face a **criminal case** in court and a separate **license case** with the Division of Motor Vehicles. Each has its own rules and deadlines, and what happens in one doesn't automatically fix the other.

North Carolina has some of the toughest impaired-driving laws in the country. A charge is not a conviction, though. The decisions you make in the first weeks can affect your license, your job and the outcome of your case.

North Carolina at a glance

0.08

blood or breath alcohol concentration is the legal limit for most drivers; 0.04 for commercial drivers. N.C.G.S. §§ 20-138.1, 20-138.2

Under 21

any amount of alcohol or drugs in your system while driving is a separate offense. N.C.G.S. § 20-138.3

30 days

is the usual immediate civil license revocation after a test of 0.08 or more, or a refusal. N.C.G.S. § 20-16.5

1 year

is the usual license revocation for willfully refusing a chemical test. N.C.G.S. § 20-16.2

AFTER THE ARREST

What usually happens next

- 1 **The chemical test.** You're asked to submit to a breath or blood test. Refusing has its own consequences, including a separate license revocation.
- 2 **The magistrate.** You're brought before a magistrate, who sets conditions of release. In some cases a person may be held for a period of time before release.
- 3 **Civil revocation.** If your result was 0.08 or higher, or you refused, your license is usually revoked on the spot for at least 30 days. This happens before any trial.
- 4 **Your court date.** Most DWI cases are heard in district court in the county where you were charged, often Harnett County for our clients.
- 5 **Resolution.** The case may be dismissed, go to trial, or end in a conviction. If convicted, the judge sentences at one of six levels.

Your license and your case run on different clocks. Some DMV hearing requests and limited-privilege options have short windows. Talk to a lawyer early so you don't miss a deadline you didn't know existed.

SENTENCING

The six levels of DWI punishment

If you're convicted, the judge weighs **grossly aggravating**, **aggravating** and **mitigating** factors to decide which level applies. N.C.G.S. § 20-179

LEVEL	WHEN IT GENERALLY APPLIES
Aggravated Level One	Three or more grossly aggravating factors. The most serious level, with mandatory active jail time.
Level One	Two grossly aggravating factors, or a child, disabled person or unborn child in the vehicle.
Level Two	One grossly aggravating factor.
Levels Three, Four, Five	No grossly aggravating factors. The level depends on whether aggravating factors outweigh mitigating ones, are balanced, or are outweighed.

Grossly aggravating factors include

- A prior impaired-driving conviction within the past 7 years
- Driving while your license was revoked for an impaired-driving offense
- Causing serious injury to another person
- A child under 18 in the vehicle

Aggravating factors include

- An alcohol concentration of 0.15 or more
- Especially reckless or dangerous driving
- Speeding while fleeing, or 30+ mph over the limit
- Passing a stopped school bus

Mitigating factors can include a low alcohol concentration, a safe driving record, and completing a substance use assessment and any recommended treatment before sentencing.

YOUR LICENSE

What a conviction can mean for driving

- **Revocation.** A first DWI conviction generally brings a one-year license revocation, with longer periods for later offenses.
- **Limited driving privilege.** Some people qualify for a privilege to drive for work, school or treatment. Eligibility depends on your record, your test result and other factors.

- **Ignition interlock.** An alcohol concentration of 0.15 or more, or certain prior convictions, can require an ignition interlock device when your license is restored. N.C.G.S. § 20-17.8
- **Insurance.** A conviction usually means significantly higher insurance premiums for years.

RIGHT NOW

Seven things to do this week

- 01 Write down everything** you remember: where you were, what you drank or took and when, the stop, the tests, what was said.
 - 02 Keep every piece of paper** you were given: the citation, release order, revocation notice and test results.
 - 03 Don't drive if your license is revoked.** Driving while revoked is a separate charge and can make the DWI worse.
 - 04 Don't discuss the case** with anyone but your lawyer, including on social media or by text.
 - 05 Note your court date** and put it on every calendar you use. Missing court can lead to an order for your arrest.
 - 06 Ask about a substance use assessment.** It's usually required for a limited privilege or license restoration, and early completion can count as a mitigating factor.
 - 07 Talk to a defense lawyer** before you plead to anything.
-

How a defense lawyer can help

A good DWI defense looks at whether the stop was lawful, whether the officer had probable cause, whether testing followed required procedures, and whether your rights were respected. It also covers the license side: hearings, limited privileges and restoration.

BEFORE YOUR CONSULTATION

Bring these with you

- | | |
|--|---|
| ☐ Your citation and any court paperwork | ☐ Prior charges or convictions , in any state |
| ☐ Release order and bond paperwork | ☐ Your work and school schedule , for a limited privilege |
| ☐ Revocation notice and your license, if you still have it | ☐ Assessment paperwork , if you've started one |
| ☐ Test result slip or the analyst's report, if you got one | ☐ Names of witnesses who were with you that day |

ABOUT BUZZARD LAW FIRM

Defense from lawyers who try cases.

Buzzard Law Firm defends people charged with DWI, drug offenses, traffic offenses and serious felonies in Harnett County and across North Carolina.

Founder **Robert A. "Tony" Buzzard** is a recognized capital murder defense attorney who has handled hundreds of murder charges.

Tony also trains other North Carolina lawyers to be better defenders, and he is admitted in all three U.S. District Courts in North Carolina. We bring that preparation to every case, from a traffic ticket to a felony.



Talk to a defense lawyer before you plead.

Call our Lillington office to schedule a consultation. Monday–Friday, 8 a.m.–5 p.m.

910-893-2900



Scan to request a consultation, or visit
buzzlawfirm.com/consult

728 S. Main St., Lillington, NC 27546

Attorney advertising. This guide provides general information about North Carolina law as of its publication date. It is not legal advice, and reading it does not create an attorney–client relationship. Laws change and every case depends on its facts; talk to a lawyer about your situation. Prior results do not guarantee a similar outcome. © 2026 Buzzard Law Firm.

KEEP THIS WITH YOUR PAPERWORK

DWI case tracker

Fill this in from your citation and release papers. Bring it, and the papers, to your consultation.

The charge	
DATE AND TIME OF ARREST	COUNTY / LOCATION OF THE STOP
ARRESTING AGENCY	CITATION OR FILE NUMBER
TEST TYPE (BREATH / BLOOD / REFUSED)	RESULT, IF KNOWN
Dates that matter	
FIRST COURT DATE AND COURTROOM	LICENSE REVOCATION START DATE
EARLIEST DATE TO SEEK A LIMITED PRIVILEGE	DMV HEARING REQUEST DEADLINE
SUBSTANCE USE ASSESSMENT SCHEDULED	ASSESSMENT PROVIDER AND PHONE
Your notes	
WHAT YOU REMEMBER ABOUT THE STOP, THE TESTS AND WHAT WAS SAID	
☐ Citation ☐ Release order ☐ Revocation notice ☐ Test result slip ☐ Bond paperwork ☐ Vehicle tow / impound papers	