

12.4 Driving Privileges

Report of involuntary substance abuse commitment to DMV. The North Carolina General Statutes provide that the clerk of court of the county of adjudication must report to the Commissioner of the Division of Motor Vehicles (DMV) “[i]f any person shall be adjudicated as incompetent or is involuntarily committed for the treatment of alcoholism or drug addiction.” G.S. 20-17.1(b).

Determination by DMV. The statute requires the Commissioner to “make inquiry into the facts for the purpose of determining whether such person is competent to operate a motor vehicle.” G.S. 20-17(a). The driving privileges of the person must be revoked unless the Commissioner is “satisfied that such person is competent to operate a motor vehicle with safety to persons and property.” *Id.* There are provisions for appeal of the revocation of driving privileges to the Commissioner, with the “right to a review by the review board . . . upon written request filed with the Division.” *Id.*

Medical report form. The DMV may require a medical evaluation as part of a review of a person’s driving privileges. The DMV has developed a Medical Report Form to be filled out by the physician performing the evaluation. Failure to obtain an evaluation and to return the medical report to the DMV can lead to revocation of driving privileges.

Advising the client. A client facing involuntary commitment for substance abuse treatment should be advised of the possible loss of driving privileges. After involuntary substance abuse commitment, the client may receive a notice of a review by the DMV along with a request to obtain a medical evaluation. In some instances, however, driving privileges have reportedly been revoked by the DMV upon receipt of the notice of substance abuse commitment. The client must then appeal and present evidence of the ability to drive safely. Attorney representation is not required but may be important in prevailing on appeal. Counsel should advise the client that representation on issues related to driving would have to be obtained from a privately-retained attorney.

Because the ability to drive legally can be essential for transportation to work and for independent living, this issue should be stressed to the client. Possible approaches that may avoid the issue are signing in as a voluntary patient, agreeing to an involuntary mental health commitment, and continuing the case from week to week while inpatient treatment is received, followed by either voluntary outpatient treatment or involuntary mental health outpatient commitment, if recommended.