

271.10 DRIVING A MOTOR VEHICLE ON A HIGHWAY WHILE LICENSE HAS
BEEN SUSPENDED OR REVOKED. MISDEMEANOR.

The defendant has been charged with driving a motor vehicle on a highway while his driver's license was [suspended] [revoked].

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant drove a motor vehicle.

Second, that he drove the motor vehicle on a highway.

And Third, that at the time he was driving the motor vehicle, his driver's license was [suspended] [revoked]. The defendant must have had knowledge of the revocation at the time he was driving the motor vehicle.¹

In order for you to find that notice of the [suspension] [revocation] was given, of which the defendant had knowledge, [the State must prove beyond a reasonable doubt that notice of the [suspension] [revocation] was personally delivered to the defendant]² [the State must prove beyond a reasonable doubt that the defendant surrendered his license to (*name official*) of the (*name court*) (*name date*)]³ [the State must prove three things beyond a reasonable doubt:

First, that notice was deposited in the United States mail at least four days before the alleged driving of a motor vehicle by the defendant.

Second, that the notice was mailed in an envelope with postage prepaid.

And Third, that the envelope was addressed to the defendant at his address as shown by the records of the Department of Motor Vehicles.

Proof beyond a reasonable doubt that the State complied with the three requirements of the notice provisions permits but does not compel you

to find that defendant received the notice and thereby acquired knowledge of the [suspension] [revocation]. The State must prove the essential elements of the charge, including the defendant's knowledge of the [suspension] [revocation], from the evidence beyond a reasonable doubt.^{4]}

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant drove a motor vehicle on a highway, while his driver's license was [suspended] [revoked]; and that the defendant knew on that date that his license was [suspended] [revoked] because [notice of the [suspension] [revocation] was personally delivered to the defendant] [the defendant surrendered his license to (*name official*) of the (*name court*) on (*name date*)] [at least four days before the alleged offense the Department of Motor Vehicles deposited notice of the [suspension] [revocation] in the United States mail in an envelope with postage prepaid and addressed to the defendant at his address as shown by the records of the Department] then it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. While a specific intent is not an element of the offense of operating a motor vehicle on a highway while one's license is suspended or revoked, the burden is on the State to prove that defendant had knowledge at the time charged that his operator's license was suspended or revoked; the State satisfies this burden when, nothing else appearing, it has offered evidence of compliance with the notice requirements of G.S. 20-48 because of the presumption that he received notice and had such knowledge. However, when there is some evidence to rebut this presumption, the issue of guilty knowledge is raised and must be determined by the jury under appropriate instruction from the trial court. *State v. Chester*, 30 N.C. App. 224 (1976)

2. See G.S. 20-48, Notice.

3. See G.S. 20-24(a), effective when license turned in.

4. See G.S. 20-48; *State v. Atwood*, 290 N.C. 266, 271. If defendant contends that he changed his address, see G.S. 20-7.1.