

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 192
PROPOSED COMMITTEE SUBSTITUTE H192-PCS30306-SA-25

Short Title: Compliance Court Costs.

(Public)

Sponsors:

Referred to:

March 11, 2015

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH COMPLIANCE COURT COSTS AND TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO ESTABLISH A SYSTEM FOR THE ELECTRONIC PAYMENT OF COMPLIANCE COURT COSTS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-304.1. Compliance; court costs.

(a) A person charged for any of the offenses set forth in subsection (b) of this section may, in lieu of the payment of fines, court costs under G.S. 7A-304, or the making of court appearances, elect to provide proof of compliance to the district attorney prior to or on the scheduled court appearance date, and the district attorney may agree to voluntarily dismiss the case in exchange for the person's signed waiver of appearance and payment of court costs in the sum of fifty dollars (\$50.00) per citation. The compliance court costs assessed under this section shall be remitted to the State Treasurer for support of the General Court of Justice.

(b) Voluntary dismissals in exchange for compliance and the payment of court costs as authorized by this section may be obtained only for the offenses listed in this subsection and only one fifty-dollar (\$50.00) court cost amount may be collected per citation regardless of the number of offenses listed on the citation. For purposes of this section, "compliance" means proof satisfactory to the district attorney that the person has corrected the violation or otherwise achieved compliance with the applicable statute. The offenses for which compliance is available under this section are the following:

- (1) No operator's license, in violation of G.S. 20-7.
- (2) Registration violations under G.S. 20-111(1) through (3).
- (3) Failure to notify the Division of Motor Vehicles of change of address for drivers license, in violation of G.S. 20-7.1.
- (4) Expired license, in violation of G.S. 20-7.
- (5) Unsafe tires, in violation of G.S. 20-122.1.
- (6) Inspection violations under G.S. 20-183.2.
- (7) No registration card, in violation of G.S. 20-111.
- (8) Violation of G.S. 20-28(a) for failure to comply with conditions of a limited driving privilege issued pursuant to G.S. 20-179.3, but only if the person issued the limited driving privilege was eligible for those privileges pursuant to G.S. 20-179.3(b)(2).
- (9) Failure to obtain commercial drivers license, in violation of G.S. 20-37.12.
- (10) Allowing unlicensed person to drive, in violation of G.S. 20-32.



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- 1 (11) Failure to notify the Division of Motor Vehicles of change of address for
2 certificate of title or registration, in violation of G.S. 20-67.
3 (12) Rearview mirror violations under G.S. 20-117.1(a).
4 (13) Safety equipment violations under G.S. 20-123.2, 20-124, 20-125, 20-125.1,
5 20-126, 20-127, 20-128, 20-128.1, 20-129, and 20-129.1.
6 (14) Child restraint violations under G.S. 20-137.1.
7 (15) Motorcycle and moped helmet violations under G.S. 20-140.4(2).

8 (c) The district attorney shall provide written notice to any person electing for
9 compliance and the payment of court costs under this section that compliance in response to
10 certain offenses, if presented to a court, constitutes a statutory defense to the charge and
11 therefore might result in the dismissal of the charge without the payment of any court costs.
12 These defenses include those contained in G.S. 20-35(c), 20-122.1(b), 20-127(e), 20-133(b),
13 and 20-137.1(c)."

14 **SECTION 2.** G.S. 7A-304(a) reads as rewritten:

15 "(a) In every criminal case in the superior or district court, wherein the defendant is
16 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
17 prosecuting witness, the following costs shall be assessed and collected. ~~No~~ Except as provided
18 in G.S. 7A-304.1, no costs may be assessed when a case is dismissed. Only upon entry of a
19 written order, supported by findings of fact and conclusions of law, determining that there is
20 just cause, the court may (i) waive costs assessed under this section or (ii) waive or reduce costs
21 assessed under subdivision (7), (8), (8a), (11), (12), or (13) of this section.

22 "

23 **SECTION 3.** Effective July 1, 2016, G.S. 7A-304.1(a), as enacted by Section 1 of
24 this act, reads as rewritten:

25 "(a) A person charged for any of the offenses set forth in subsection (b) of this section
26 may, in lieu of the payment of fines, court costs under G.S. 7A-304, or the making of court
27 appearances, elect to provide proof of compliance to the district attorney prior to or on the
28 scheduled court appearance date, and the district attorney may agree to voluntarily dismiss the
29 case in exchange for the person's signed waiver of appearance and payment of court costs in the
30 sum of ~~fifty dollars (\$50.00)~~ (i) fifty dollars (\$50.00) if paid in person to the clerk of court; or
31 (ii) ten dollars (\$10.00) if paid through the system for electronic payment established by the
32 Administrative Office of the Courts. The compliance court costs assessed under this section
33 shall be remitted to the State Treasurer for support of the General Court of Justice."

34 **SECTION 4.** The Administrative Office of the Courts, in consultation with the
35 Conference of District Attorneys and the Conference of Clerks of Superior Court, shall (i)
36 develop a procedure for the acceptance of compliance court costs and establish uniform
37 guidelines as to what constitutes compliance in each type of case; (ii) study the structure of the
38 compliance court costs established in this act and make any recommendations for changes to
39 that structure; and (iii) establish a system for the acceptance of electronic payment of
40 compliance court costs and updating of the record, which shall be ready to accept electronic
41 payments in all counties no later than July 1, 2016. The Administrative Office of the Courts
42 shall report on the development of the electronic payment system to the Chairs of the Senate
43 Appropriations Committee on Justice and Public Safety, the Chairs of the House
44 Appropriations Committee on Justice and Public Safety, and the Chairs of the Joint Legislative
45 Oversight Committee on Justice and Public Safety by May 1, 2016.

46 **SECTION 5.** Section 3 of this act becomes effective July 1, 2016, and applies to
47 dismissals granted on and after that date. The remainder of this act becomes effective October
48 1, 2015, and applies to dismissals granted on and after that date.