

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 786  
SENATE BILL 1177

AN ACT TO ADJUST FEES IN THE GENERAL COURT OF JUSTICE AND FOR REVOCATION OF A DRIVER'S LICENSE FOR DRIVING WHILE IMPAIRED AND TO MAKE A TECHNICAL CORRECTION IN THE METHOD OF COLLECTING THE FEE FOR INVESTING FUNDS PLACED WITH A CLERK OF SUPERIOR COURT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or **nolo contendere**, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so ~~provides~~: provides, and that no costs may be assessed when a case is dismissed.

- (1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of four dollars (\$4.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.
- (2) For the use of the courtroom and related judicial facilities, the sum of five dollars (\$5.00) in the district court, including cases before a magistrate, and the sum of twenty-three dollars (\$23.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and related judicial facilities, including: adequate space and furniture for judges, district attorneys, public defenders, magistrates, juries, and other court related personnel; office space, furniture and vaults for the clerk; jail and juvenile detention facilities; free parking for jurors; and a law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one. In the event the funds derived from the facilities fees exceed what is needed for these purposes, the county or municipality may, with the

approval of the Administrative Officer of the Courts as to the amount, use any or all of the excess to retire outstanding indebtedness incurred in the construction of the facilities, or to reimburse the county or municipality for funds expended in constructing or renovating the facilities (without incurring any indebtedness) within a period of two years before or after the date a district court is established in such county, or to supplement the operations of the General Court of Justice in the county.

- (3) For the retirement and insurance benefits of both State and local government law-enforcement officers, the sum of seven dollars and twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum shall be administered as is provided in Article 12C of Chapter 143 of the General Statutes. Five dollars and seventy-five cents (\$5.75) of this sum shall be administered as is provided in Article 12E of Chapter 143 of the General Statutes, with one dollar and twenty-five cents (\$1.25) being administered in accordance with the provisions of G.S. 143-166.50(e). One dollar (\$1.00) of this sum shall be administered as is provided in Article 12F of Chapter 143 of the General Statutes.
- (3a) For the supplemental pension benefits of sheriffs, the sum of seventy-five cents (75¢), to be remitted to the Department of Justice and administered under the provisions of Article 12G of Chapter 143 of the General Statutes.
- (4) For support of the General Court of Justice, the sum of ~~twenty-three dollars (\$23.00)~~ thirty-three dollars (\$33.00) in the district court, including cases before a magistrate, and the sum of ~~thirty dollars (\$30.00)~~ forty dollars (\$40.00) in the superior court, to be remitted to the State Treasurer."

Sec. 2. G.S. 7A-305(a) reads as rewritten:

"(a) In every civil action in the superior or district court the following costs shall be assessed:

- (1) For the use of the courtroom and related judicial facilities, the sum of five dollars (\$5.00) in cases heard before a magistrate, and the sum of nine dollars (\$9.00) in district and superior court, to be remitted to the county in which the judgment is rendered, except that in all cases in which the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.
- (2) For support of the General Court of Justice, the sum of ~~thirty-seven dollars (\$37.00)~~ forty-seven dollars (\$47.00) in the superior court, and the sum of ~~twenty-two dollars (\$22.00)~~ thirty-two dollars (\$32.00) in the district court except that if the case is assigned to a magistrate the

sum shall be ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00). Sums collected under this subsection shall be remitted to the State Treasurer."

Sec. 3. G.S. 7A-308(a)(16) reads as rewritten:

"(16) On all funds placed with the clerk by virtue or color of his office ~~and administered and invested pursuant to G.S. 7A-112, a fee equal to five percent (5%) not to exceed one thousand dollars (\$1,000) of the principal fund; provided, said fee shall not exceed the amount of any investment earnings on the fund. For purposes of assessing a commission, receipts are cumulative for the life of an account, a fee equal to five percent (5%) of those funds, subject to the following conditions:~~

- a. The fee shall apply only to funds invested by the clerk pursuant to G.S. 7A-112;
- b. The fee shall be charged and deducted from the funds and forwarded to the State Treasurer before the funds are invested, and only the balance shall be invested;
- c. Over the life of an account, the fees charged on the initial funds and all funds subsequently placed with the clerk for that account shall not exceed the investment earnings on the account or one thousand dollars (\$1,000), whichever is less; and
- d. When all funds in an account are finally withdrawn and distributed by the clerk, any fees charged in excess of cumulative investment earnings shall be refunded to the person or persons to whom the account is distributed."

Sec. 4. G.S. 20-7(i1) reads as rewritten:

"(i1) Any person whose driver's license or other privilege to operate a motor vehicle in this State has been suspended, canceled or revoked pursuant to the provisions of this ~~Chapter~~ Chapter, other than G.S. 20-17(2), shall pay a restoration fee of twenty-five dollars ~~(\$25.00)~~ (\$25.00). A person whose driver's license has been revoked under G.S. 20-17(2) shall pay a restoration fee of fifty dollars (\$50.00) until the end of the fiscal year in which the cumulative total amount of fees deposited under this subsection in the General Fund exceeds five million dollars (\$5,000,000), and shall pay a restoration fee of twenty-five dollars (\$25.00) thereafter. The fee shall be paid to the Division prior to the issuance to such person of a new driver's license or the restoration of such driver's license or privilege; such restoration fee shall be paid to the Division in addition to any and all fees which may be provided by law. This restoration fee shall not be required from any licensee whose license was suspended, canceled, revoked or voluntarily surrendered for medical or health reasons whether or not a medical evaluation was conducted pursuant to this Chapter. The twenty-five dollar (\$25.00) fee, and the first twenty-five dollars (\$25.00) of the fifty-dollar (\$50.00) fee, shall be deposited in the Highway Fund. The remaining twenty-five dollars (\$25.00) of the fifty-dollar (\$50.00) fee shall be deposited in the General Fund of the State. The Office of State Budget and Management shall certify to the Department of Transportation and

the General Assembly when the cumulative total amount of fees deposited in the General Fund under this subsection exceeds five million dollars (\$5,000,000), and shall annually report to the General Assembly the amount of fees deposited in the General Fund under this subsection.

It is the intent of the General Assembly to annually appropriate the funds deposited in the General Fund under this subsection to the Board of Governors of The University of North Carolina to be used for the Center for Alcohol Studies Endowment at The University of North Carolina at Chapel Hill, but not to exceed this cumulative total of five million dollars (\$5,000,000)."

Sec. 5. This act shall become effective August 15, 1989. Section 1 shall apply to offenses committed on or after that date; Section 2 shall apply to actions initiated on or after that date; and Section 4 shall apply to revocations made on or after that date.

In the General Assembly read three times and ratified this the 12th day of August, 1989.