

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 192
Mar 10, 2015
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH10095-LLf-20 (12/15)

Short Title: Compliance Court Costs.

(Public)

Sponsors: Representatives McNeill, Faircloth, Hurley, and Glazier (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH COMPLIANCE COURT COSTS AND TO DIRECT THE
3 ADMINISTRATIVE OFFICE OF THE COURTS TO ESTABLISH A SYSTEM FOR
4 THE ELECTRONIC PAYMENT OF COMPLIANCE COURT COSTS.

5 The General Assembly of North Carolina enacts:

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

8 "§ 7A-304.1. Compliance; court costs.

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

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

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



* D R H 1 0 0 9 5 - L L F - 2 0 *

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

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

25 **SECTION 3.** The Administrative Office of the Courts, in consultation with the
26 Conference of District Attorneys and the Conference of Clerks of Superior Court, shall (i)
27 develop a procedure for the acceptance of compliance court costs and establish uniform
28 guidelines as to what constitutes compliance in each type of case; (ii) study the structure of the
29 compliance court costs established in this act and make any recommendations for changes to
30 that structure; and (iii) establish a system for the acceptance of electronic payment of
31 compliance court costs and updating of the record, which shall be ready to accept electronic
32 payments in all counties no later than July 1, 2016. The Administrative Office of the Courts
33 shall report on the development of the electronic payment system to the Chairs of the Senate
34 Appropriations Committee on Justice and Public Safety, the Chairs of the House
35 Appropriations Committee on Justice and Public Safety, and the Chairs of the Joint Legislative
36 Oversight Committee on Justice and Public Safety by May 1, 2016.

37 **SECTION 4.** Section 2 of this act becomes effective July 1, 2016, and applies to
38 dismissals granted on and after that date. The remainder of this act becomes effective October
39 1, 2015, and applies to dismissals granted on and after that date.