

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1177*
Second Edition Engrossed 6/29/89
House Committee Substitute Favorable 7/28/89

Short Title: Adjust Court Fees.

(Public)

Sponsors:

Referred to:

May 4, 1989

A BILL TO BE ENTITLED

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

1 magistrate, and the sum of twenty-three dollars (\$23.00) in superior
2 court, to be remitted to the county in which the judgment is rendered.
3 In all cases where the judgment is rendered in facilities provided by a
4 municipality, the facilities fee shall be paid to the municipality. Funds
5 derived from the facilities fees shall be used exclusively by the county
6 or municipality for providing, maintaining, and constructing adequate
7 courtroom and related judicial facilities, including: adequate space
8 and furniture for judges, district attorneys, public defenders,
9 magistrates, juries, and other court related personnel; office space,
10 furniture and vaults for the clerk; jail and juvenile detention facilities;
11 free parking for jurors; and a law library (including books) if one has
12 heretofore been established or if the governing body hereafter decides
13 to establish one. In the event the funds derived from the facilities fees
14 exceed what is needed for these purposes, the county or municipality
15 may, with the approval of the Administrative Officer of the Courts as
16 to the amount, use any or all of the excess to retire outstanding
17 indebtedness incurred in the construction of the facilities, or to
18 reimburse the county or municipality for funds expended in
19 constructing or renovating the facilities (without incurring any
20 indebtedness) within a period of two years before or after the date a
21 district court is established in such county, or to supplement the
22 operations of the General Court of Justice in the county.

23 (3) For the retirement and insurance benefits of both State and local
24 government law-enforcement officers, the sum of seven dollars and
25 twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty
26 cents (50¢) of this sum shall be administered as is provided in Article
27 12C of Chapter 143 of the General Statutes. Five dollars and seventy-
28 five cents (\$5.75) of this sum shall be administered as is provided in
29 Article 12E of Chapter 143 of the General Statutes, with one dollar and
30 twenty-five cents (\$1.25) being administered in accordance with the
31 provisions of G.S. 143-166.50(e). One dollar (\$1.00) of this sum shall
32 be administered as is provided in Article 12F of Chapter 143 of the
33 General Statutes.

34 (3a) For the supplemental pension benefits of sheriffs, the sum of seventy-
35 five cents (75¢), to be remitted to the Department of Justice and
36 administered under the provisions of Article 12G of Chapter 143 of the
37 General Statutes.

38 (4) For support of the General Court of Justice, the sum of ~~twenty-three~~
39 ~~dollars (\$23.00)~~ thirty-five dollars (\$35.00) in the district court,
40 including cases before a magistrate, and the sum of ~~thirty dollars~~
41 ~~(\$30.00)~~ forty-five dollars (\$45.00) in the superior court, to be remitted
42 to the State Treasurer."

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

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

- 3 (1) For the use of the courtroom and related judicial facilities, the sum of
4 five dollars (\$5.00) in cases heard before a magistrate, and the sum of
5 nine dollars (\$9.00) in district and superior court, to be remitted to the
6 county in which the judgment is rendered, except that in all cases in
7 which the judgment is rendered in facilities provided by a
8 municipality, the facilities fee shall be paid to the municipality. Funds
9 derived from the facilities fees shall be used in the same manner, for
10 the same purposes, and subject to the same restrictions, as facilities
11 fees assessed in criminal actions.
- 12 (2) For support of the General Court of Justice, the sum of ~~thirty-seven~~
13 ~~dollars (\$37.00)~~ fifty dollars (\$50.00) in the superior court, and the sum
14 of ~~twenty-two dollars (\$22.00)~~ thirty-five dollars (\$35.00) in the district
15 court except that if the case is assigned to a magistrate the sum shall be
16 ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00). Sums collected under
17 this subsection shall be remitted to the State Treasurer."

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

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

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

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

41 "(i1) Any person whose driver's license or other privilege to operate a motor
42 vehicle in this State has been suspended, canceled or revoked pursuant to the provisions
43 of this ~~Chapter~~ Chapter, other than G.S. 20-17(2), shall pay a restoration fee of twenty-
44 five dollars ~~(\$25.00)~~ (\$25.00). A person whose driver's license has been revoked under

1 G.S. 20-17(2) shall pay a restoration fee of fifty dollars (\$50.00) until August 1, 1994,
2 and shall pay a restoration fee of twenty-five dollars (\$25.00) thereafter. The fee shall
3 be paid to the Division prior to the issuance to such person of a new driver's license or
4 the restoration of such driver's license or privilege; such restoration fee shall be paid to
5 the Division in addition to any and all fees which may be provided by law. This
6 restoration fee shall not be required from any licensee whose license was suspended,
7 canceled, revoked or voluntarily surrendered for medical or health reasons whether or
8 not a medical evaluation was conducted pursuant to this Chapter. The twenty-five
9 dollar (\$25.00) fee, and the first twenty-five dollars (\$25.00) of the fifty-dollar (\$50.00)
10 fee, shall be deposited in the Highway Fund. The remaining twenty-five dollars
11 (\$25.00) of the fifty-dollar (\$50.00) fee shall be deposited in the General Fund of the
12 State."

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