

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

5

SENATE BILL 1139\*
Finance Committee Substitute Adopted 5/12/93
House Committee Substitute Favorable 6/14/93
House Committee Substitute #2 Favorable 6/28/93
Fifth Edition Engrossed 6/29/93

Short Title: Fees on 20-day Failures.

(Public)

Sponsors:

Referred to:

May 11, 1993

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A PROCESSING FEE ON TWENTY-DAY FAILURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-24.1 reads as rewritten:

§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle offenses.

(a) The Division must revoke the driver's license of a person upon receipt of notice from a court that the person was charged with a motor vehicle offense and he:

- (1) failed to appear, after being notified to do so, when the case was called for a trial or hearing; or
(2) failed to pay a fine, penalty, or court costs ordered by the court.

Revocation orders entered under the authority of this section are effective on the sixtieth day after the order is mailed or personally delivered to the person.

(b) A license revoked under this section remains revoked until the person whose license has been revoked:

- (1) disposes of the charge in the trial division in which he failed to appear when the case was last called for trial or hearing; or
(2) demonstrates to the court that he is not the person charged with the offense; or
(3) pays the penalty, fine, or costs ordered by the court; or

1           (4) demonstrates to the court that his failure to pay the penalty, fine, or  
2           costs was not willful and that he is making a good faith effort to pay or  
3           that the penalty, fine, or costs should be remitted.

4 Upon receipt of notice from the court that the person has satisfied the conditions of this  
5 subsection applicable to his case, the Division must restore the person's license as  
6 provided in subsection (c). In addition, if the person whose license is revoked is not a  
7 resident of this State, the Division may notify the driver licensing agency in the person's  
8 state of residence that the person's license to drive in this State has been revoked.

9           **(b1) A defendant must be afforded an opportunity for a trial or a hearing within a**  
10 **reasonable time of the defendant's appearance. Upon motion of a defendant, the court**  
11 **must order that a hearing or a trial be heard within a reasonable time.**

12           (c) If the person satisfies the conditions of subsection (b) that are applicable to  
13 his case before the effective date of the revocation order, the revocation order and any  
14 entries on his driving record relating to it shall be deleted and the person does not have  
15 to pay ~~a~~the restoration fee. ~~fee set by G.S. 20-7(i1).~~ For all other revocation orders  
16 issued pursuant to this section, the person must pay the restoration fee ~~required by G.S.~~  
17 ~~20-7(i1)~~ and satisfy any other applicable requirements of this Article before he may be  
18 relicensed.

19           (d) To facilitate the prompt return of licenses and to prevent unjustified charges  
20 of driving while license revoked, the clerk of court, upon request, must give the person a  
21 copy of the notice it sends to the Division to indicate that the person has complied with  
22 the conditions of subsection (b) applicable to his case. If the person complies with the  
23 condition before the effective date of the revocation, the notice must indicate that the  
24 person is eligible to drive if he is otherwise validly licensed.

25           (e) As used in this section and in G.S. 20-24.2, the word offense includes crimes  
26 and infractions created by this Chapter."

27           Sec. 2. G.S. 7A-304(a) is amended by adding a new subdivision to read:

28           **"(6) For support of the General Court of Justice, for the issuance by the**  
29 **clerk of a report to the Division of Motor Vehicles pursuant to G.S. 20-**  
30 **24.2, the sum of fifty dollars (\$50.00), to be remitted to the State**  
31 **Treasurer. Upon a showing to the court that the defendant failed to**  
32 **appear because of an error or omission of a judicial official, a**  
33 **prosecutor, or a law-enforcement officer, the court shall waive this**  
34 **fee."**

35           Sec. 3. This act is effective July 1, 1993, and shall apply to all fees assessed  
36 or paid on or after that date.