

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1350

Short Title: Civil Penalties/Insurance/Mfd. Housing Board.

(Public)

Sponsors: Senator Soles.

Referred to: Finance.

May 27, 1996

A BILL TO BE ENTITLED

AN ACT TO AMEND INSURANCE DEPARTMENT AND MANUFACTURED HOUSING BOARD CIVIL PENALTY STATUTES TO CONFORM THOSE STATUTES WITH CRAVEN COUNTY BOARD OF EDUCATION V. BOYLES, ET AL, A RECENT NORTH CAROLINA SUPREME COURT DECISION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-2-70(d) reads as rewritten:

"(d) Upon a finding by the Commissioner of a violation as specified in subsection (c) of this section, the Commissioner shall direct the payment of a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000). In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation, the amount of money that inured to the benefit of the violator as a result of the violation, whether the violation was committed willfully, and the prior record of the violator in complying or failing to comply with laws, rules, or orders applicable to the violator. The penalty shall be payable to the Commissioner, who shall then forward-distribute the clear proceeds of which to the State Treasurer for deposit in the General Fund of the State. in accordance with Article IX, Section 7 of the Constitution of North Carolina. Payment of the civil penalty under this section shall be in addition to payment of any other penalty for a violation of the criminal laws of this State."

Sec. 2. G.S. 143-143.13(c) reads as rewritten:

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1       "(c) In addition to the authority to deny, suspend, or revoke a license under this  
2 Article, the Board also has the authority to impose a civil penalty upon any person  
3 violating the provisions of this Article. Upon a finding by the Board of a violation of this  
4 Article, the Board shall direct the payment of a penalty of not less than one hundred  
5 dollars (\$100.00) nor more than five hundred dollars (\$500.00). In determining the  
6 amount of the penalty, the Board shall consider the degree and extent of harm caused by  
7 the violation, the amount of money that inured to the benefit of the violator as a result of  
8 the violation, whether the violation was committed willfully, and the prior record of the  
9 violator in complying or failing to comply with laws, rules, or orders applicable to the  
10 violator. Each day during which a violation occurs shall constitute a separate offense.  
11 The penalty shall be payable to the Board, which shall then ~~forward~~distribute the clear  
12 proceeds of which ~~to the State Treasurer for deposit in the General Fund of the State.~~in  
13 accordance with Article IX, Section 7 of the Constitution of North Carolina. Payment of  
14 the civil penalty under this section shall be in addition to payment of any other penalty  
15 for a violation of the criminal laws of this State. Nothing in this subsection shall prevent  
16 the Board from negotiating a mutually acceptable agreement with any person as to the  
17 status of the person's license or certificate or as to any civil penalty."

18           Sec. 3. This act is effective upon ratification.