

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 2771

Short Title: Compliance Dismissals/Partial Court Costs. (Public)

Sponsors: Representatives McGee, Stam (Primary Sponsors); Daughtry and Langdon.

Referred to: Rules, Calendar, and Operations of the House.

May 30, 2006

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE COMPLIANCE DISMISSALS AND PAYMENT OF PARTIAL COURT COSTS IN LIEU OF FINES AND COURT APPEARANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-304 is amended by adding a new subsection to read:

"(f) A person charged for any of the offenses set forth in this subsection may, in lieu of the payment of fines or the making of court appearances, elect to provide proof of compliance to the district attorney prior to or on the scheduled court appearance date, and the district attorney may in turn agree to voluntarily dismiss the case in exchange for the person's signed waiver of appearance and payment of court costs in the sum of fifty dollars (\$50.00). Court costs assessed under this subsection are for the support of the General Court of Justice and shall be remitted to the State Treasurer.

Compliance dismissals authorized by this subsection may be obtained only for the following offenses:

- (1) No operator's license, in violation of G.S. 20-7(a).
- (2) Driving while license revoked, not alcohol-related, in violation of G.S. 20-28.
- (3) Registration violations under G.S. 20-111(1) though (3).
- (4) Failure to notify the Division of Motor Vehicles of change of address in violation of G.S. 20-7.1.
- (5) Expired license, in violation of G.S. 20-7.
- (6) Unsafe tires, in violation of G.S. 20-122.1.
- (7) Inspection violations under G.S. 20-183.2.
- (8) No registration card, in violation of G.S. 20-111.
- (9) Failure to comply with license restrictions, in violation of G.S. 20-179.3.
- (10) Failure to obtain commercial drivers license, in violation of G.S. 20-37.12.

- 1 (11) Allowing unlicensed person to drive, in violation of G.S. 20-32.
- 2 (12) Failure to notify the Division of Motor Vehicles of change of address
- 3 registration, in violation of G.S. 20-67.
- 4 (13) Rearview mirror violations under G.S. 20-117.1(a).
- 5 (14) Safety equipment violations under G.S. 20-123.2, 20-124, 20-125,
- 6 20-125.1, 20-126, 20-127, 20-128, 20-128.1, 20-129, and 20-129.1.
- 7 (15) Child restraint violations under G.S. 20-137.1.
- 8 (16) Motorcycle and moped helmet violations under G.S. 20-140.4(2).
- 9 (17) Any violation arising from a vehicular accident or collision in which a
- 10 citation is issued, but which in the interests of justice the State elects to
- 11 accept a compliance dismissal rather than prosecute.

12 For purposes of this section, "compliance" means proof satisfactory to the district

13 attorney that the person has corrected the violation and is therefore in compliance with

14 the applicable statute. However, a compliance dismissal shall not be valid in any case in

15 which the person's compliance, if presented to the court, would qualify for a statutory

16 defense to the charge, such as those defenses contained in G.S. 20-35(c), 20-122.1(b),

17 20-127(e), 20-133(b), and 20-137.1(c)."

18 **SECTION 2.** This act becomes effective July 1, 2006, and applies to

19 dismissals granted on and after that date.