



HOUSE BILL 192: Compliance Court Costs

2015-2016 General Assembly

Committee:	House Finance	Date:	June 4, 2015
Introduced by:	Reps. McNeill, Faircloth, Hurley, Glazier	Prepared by:	Trina Griffin
Analysis of:	PCS to Second Edition H192-CSSV-28		Committee Counsel

SUMMARY: *House Bill 192 would establish compliance court costs and direct the Administrative Office of the Courts (AOC) to establish a system for the electronic payment of compliance court costs.*

BILL ANALYSIS:

Section 1 of the bill would create a process to allow persons charged with certain offenses to obtain a dismissal of the offense by the district attorney upon proof of compliance and payment of \$50.00 in court costs. Under current law, no costs are assessed when a case is dismissed.

The offenses for which a compliance dismissal would be available are as follows:

- No operator's license
- Motor vehicle registration violations for failure to register, failure to display a license plate, displaying a fictitious license plate or registration, or giving, lending or borrowing a license plate for use on another vehicle.
- Failure to notify DMV of change of address for license, title, or registration
- Expired license
- Unsafe tires
- Inspection violations
- No registration card
- Driving while license revoked for failure to comply with the provisions of a limited driving privilege, but only if the limited driving privilege was issued based on a revocation under G.S. 15A-1331.1 for conviction of a felony
- Failure to obtain a commercial drivers license
- Allowing an unlicensed person to drive
- Rearview mirror violations
- Safety equipment violations
- Motorcycle and moped helmet violations

The district attorney would be required to provide written notice to any person electing a compliance dismissal under this statute that compliance in response to certain offenses constitute a statutory defense, and if presented to the court may result in dismissal without payment of any court costs.

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Section 3 of the bill would provide that effective July 1, 2016, payment of compliance court costs is only \$10.00 if paid through a system of electronic payment and remains \$50.00 if paid in person to the clerk of court.

Section 4 of the bill would require AOC, in consultation with the Conference of District Attorneys and the Conference of Clerks of Superior court to (i) develop a procedure for the acceptance of compliance court costs and establish uniform guidelines for what constitutes compliance in each case; (ii) study the structure of the compliance court costs and make recommendations for changes to that structure; and (iii) establish a system for the acceptance of electronic payment of compliance court costs and updating of the record, which shall be ready to accept electronic payment in all counties no later than July 1, 2016. The AOC shall report to the Chairs of the House and Senate Appropriations Committees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the development of the electronic payment system by May 1, 2016.

EFFECTIVE DATE: Section 3 of this act becomes effective July 1, 2016, and applies to dismissals granted on and after that date. The remainder of this act becomes effective October 1, 2015, and applies to dismissals granted on and after that date.

Susan Sitze, counsel to House Judiciary II, substantially contributed to this summary.