

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 466
SENATE BILL 437

AN ACT TO REQUIRE AREA MENTAL HEALTH AUTHORITIES TO COLLECT THE
FEE CHARGED FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION
TRAFFIC SCHOOL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-179.2(a)(1) is rewritten to read as follows:

"(1) A fee of one hundred dollars (\$100.00) shall be paid by all persons enrolling in an Alcohol and Drug Education Traffic School program established pursuant to this section. That fee must be paid to an official designated for that purpose and at a time and place specified by the Area Mental Health, Mental Retardation and Substance Abuse Authority providing the course of instruction in which the person is enrolled, except that if the clerk of court in the county in which the person is convicted agrees to collect the fees, the clerk shall collect all fees for persons convicted in that county. The clerk shall pay the fees collected to the area mental health, mental retardation and substance abuse authority for the catchment area where the clerk is located regardless of the location where the defendant attends the Alcohol and Drug Education Traffic School and that authority shall distribute the funds in accordance with the rules and regulations of the Department. The fee must be paid in full within two weeks of the date the person is convicted and before he attends any classes, unless the court, upon a showing of reasonable hardship, allows the person additional time to pay the fee or allows him to begin the course of instruction without paying the fee. If the person enrolling in the school demonstrates to the satisfaction of the court that ordered him to enroll in the school that he is unable to pay and his inability to pay is not willful, the court may excuse him from paying the fee."

Sec. 2. G.S. 20-179.2(a)(3) is rewritten to read as follows:

"(3) Fees collected under this section and retained by Area Mental Health, Mental Retardation, and Substance Abuse Authorities shall be placed in a nonreverting fund. That fund must be used, as necessary, for the operation, evaluation and administration of Alcohol and Drug Education Traffic School programs; excess funds may only be used to fund other drug or alcohol programs. Area authorities shall remit five percent (5%) of each fee collected to the Department of Human Resources on a monthly basis. Fees received by the department as required by this section may only be used in supporting, evaluating, and administering Alcohol and Drug Education Traffic Schools, and any excess funds will revert to the General Fund."

Sec. 3. G.S. 20-179.2(a)(4) is amended by deleting the words "from the clerks of court" and inserting in lieu thereof the words "under the authority of this section".

Sec. 4. G.S. 20-179(b)(1), as it appears in the 1980 Interim Supplement to the General Statutes, is amended on line 6 by deleting the figure "75" and inserting in lieu thereof the figure "90".

Sec. 5. G.S. 20-179(b)(2), as it appears in the 1980 Interim Supplement to the General Statutes, is amended by deleting the figure "75" from the first "Condition(s) of Restriction" and inserting in lieu thereof the figure "90".

Sec. 6. G.S. 20-179(b)(5), as it appears in the 1980 Interim Supplement to the General Statutes, is amended on line 19 by deleting the figure "75" and inserting in lieu thereof the figure "90".

Sec. 7. G.S. 20-140(e) is amended on line 8 by deleting the words and figure "within 75 days" and inserting in lieu thereof the words and figure "established pursuant to G.S. 20-179.2 within 90 days".

Sec. 8. This act shall become effective October 1, 1981, and shall apply to persons assigned to Alcohol and Drug Education Traffic Schools on and after that date.

In the General Assembly read three times and ratified, this the 28th day of May, 1981.