

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 896
SENATE BILL 86

AN ACT TO REQUIRE A PERSON WHO FAILS TO APPEAR IN COURT TO ANSWER
THE CHARGE OR PAY COURT COSTS BEFORE HE MAY RECEIVE A DRIVERS
LICENSE.

The General Assembly of North Carolina enacts:

Section 1. Article 20 of G.S. Chapter 20 is amended by adding a new section to read as follows:

"§ 20-7.2. Issuance of license to person with 90-day failure. — (a) Upon receipt of a conviction report entered pursuant to the 90-day failure provision of G.S. 20-24(c), the division shall not issue a driver's license to the party named in the conviction report until he complies with the provisions of this section and is otherwise eligible to receive a license.

(b) A party who appears before the court within 12 months of the entry of a 90-day failure may comply with this section by paying the costs of court as specified in G.S. 7A-304 or by appearing to answer the charge and complying with any order entered by the court. A party who appears before the court to comply with the provisions of this section more than 12 months after the entry of the 90-day failure must pay the court costs as specified in G.S. 7A-304, unless the court finds that the defendant has shown good cause for his failure to appear to answer the charge during the period from his originally scheduled court appearance to the present; upon such a finding, a party may comply with this section by appearing to answer the charge, and complying with any order entered by the court. This subsection does not, however, authorize a judge to set aside a conviction for a 90-day failure unless the order to set aside the conviction is consistent with G.S. 20-24(c).

(c) As used in this section, the phrase 'issue a driver's license' means the issuing of an original or duplicate license, renewals of existing licenses, or restorations of licenses that have previously been revoked.

(d) The Administrative Office of the Courts shall promulgate forms for clerks of court to certify to the division that a licensee has complied with the provisions of this section. The Commissioner may adopt regulations necessary to carry out the provisions of this section.

(e) In determining who is eligible to receive a license, the division shall not consider any conviction for a failure to appear occurring before October 1, 1981."

Sec. 2. G.S. 7A-304 is amended by adding a new subsection (a1) to read as follows:

"(a1) The costs assessed pursuant to subsection (a) may also be collected by clerks of court for charges in which a party elects to pay the court's costs to satisfy the requirements of G.S. 20-7.2. Costs collected pursuant to this subsection shall be allocated in the same manner as other costs collected pursuant to this section. If a party elects to pay the costs of court to satisfy the requirements of G.S. 20-7.2 and is subsequently adjudged guilty of the same charge by the court, he shall not be required to pay the costs of court again for that charge, but he is subject to any other orders of the court, including an order to pay a fine."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1981.