

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 919
HOUSE BILL 552

AN ACT TO PROVIDE THAT WHEN AN AGENCY IMPOSES A MONETARY CIVIL OR MONETARY ADMINISTRATIVE PENALTY AND JUDICIAL REVIEW IS AVAILABLE UNDER THE ADMINISTRATIVE PROCEDURE ACT, THE PETITIONER MAY ELECT A DE NOVO REVIEW.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 150A of the General Statutes is amended by adding a new section to read:

"§ 150A-46.1. Review de novo.—Notwithstanding any other provision of this Article, if the final agency decision imposes a monetary civil penalty or a monetary administrative penalty, and if the petition filed under G.S. 150A-46 so requests, the court shall hear that issue de novo."

Sec. 2. The second sentence of G.S. 150A-50 is amended by deleting "The court", and inserting in lieu thereof "Except as provided in G.S. 150A-46.1, the court".

Sec. 3. G.S. 150A-47 is amended by adding the following material at the end:

"If the petitioner has requested review de novo under G.S. 150A-46.1, the judge may dispense with any of the requirements of the first sentence of this section if they are not necessary for the review de novo."

Sec. 4. G.S. 150A-51 is amended by adding the following at the end:

"If the review was de novo under G.S. 150A-46.1, the court may affirm, remand, reverse, or modify the case or decision based on evidence presented to the court."

Sec. 5. This act is effective with respect to final agency decisions made on or after January 1, 1984.

In the General Assembly read three times and ratified, this the 22nd day of July, 1983.