

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 852
HOUSE BILL 1509

AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE STATUTES
CREATING INFRACTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1116(a), as enacted by Chapter 764 of the Session Laws of 1985, is amended in the second sentence by adding after the word "penalty" the words "or costs".

Sec. 2. G.S. 15A-1116(a), as enacted by Chapter 764 of the Session Laws of 1985, is amended by rewriting the third sentence to read: "If the infraction is a motor vehicle infraction, the court must report a failure to pay the applicable penalty and costs to the Division of Motor Vehicles as specified in G.S. 20-24.2."

Sec. 3. G.S. 15A-1117, as enacted by Chapter 764 of the Session Laws of 1985, is recodified as G.S. 20-24.2 and rewritten to read as follows:

"§ 20-24.2. Court to report failure to appear or pay fine, penalty or costs.—The court must report to the Division the name of any person charged with a motor vehicle offense under this Chapter who:

- (1) Fails to appear to answer the charge as scheduled, unless within 20 days after the scheduled appearance, he either appears in court to answer the charge or disposes of the charge pursuant to G.S. 7A-146; or
- (2) Fails to pay a fine, penalty, or costs within 20 days of the date specified in the court's judgment."

Sec. 4. G.S. 20-24.1, as enacted by Chapter 764 of the Session Laws of 1985, is amended by rewriting the caption to read: "Revocation for failure to appear or pay fine, penalty or costs for motor vehicle offenses."

Sec. 5. G.S. 20-24.1(b), as enacted by Chapter 764 of the 1985 Session Laws, is amended as follows:

- (1) In subdivision (2) by deleting the word "infraction" and inserting in its place the word "offense";
- (2) In subdivision (3) by adding after the word "penalty" the words ", fine, or costs"; and
- (3) In subdivision (4) by adding the words, ", fine, or costs" after the word "penalty" both times in which it appears in the subdivision.

Sec. 6. G.S. 20-24.1, as enacted by Chapter 764 of the Session Laws of 1985, is amended by adding a new subsection (e) to read:

"(e) As used in this section and in G.S. 20-24.2, the word offense includes crimes and infractions created by this Chapter."

Sec. 7. G.S. 20-176(d), as enacted by Chapter 764 of the 1985 Session Laws, is amended by deleting "criminal offenses" and inserting in its place "crimes".

Sec. 8. G.S. 20-115 is amended by deleting the words "and constitute a misdemeanor".

Sec. 9. G.S. 20-24.1(c), as enacted by Chapter 764 of the 1985 Session Laws, is amended by deleting "G.S. 20-7(o)" and inserting in its place "G.S. 20-7(i)".

Sec. 10. G.S. 15A-1115(a), as enacted by Chapter 764 of the 1985 Session Laws, is amended by deleting the second sentence and inserting in its place the following: "Upon appeal, the defendant is entitled to a jury trial unless he consents to have the hearing conducted by the judge."

Sec. 11. G.S. 20-138.3(c) is amended by rewriting the first sentence to read: "The offense in this section is a misdemeanor punishable under G.S. 20-176(c)."

Sec. 12. G.S. 15A-1113(c)(1), as enacted by Chapter 764 of the Session Laws of 1985, is rewritten to read;

"(1) He is licensed to drive by a state that subscribes to the nonresident violator compact as defined in Article 1B of Chapter 20 of the General Statutes, the infraction charged is subject to the provisions of that compact, and he executes a personal recognizance as defined by that compact."

Sec. 13. Section 39 of Chapter 764 of the 1985 Session Laws is repealed.

Sec. 14. G.S. 143-116.7 is amended:

(1) By rewriting subsection (g) to read:

"(g) Any violation under this section or of a provision of Chapter 20 of the General Statutes made applicable to the grounds of State institutions solely by operation of this section shall be considered an infraction and shall be subject to an infraction penalty not to exceed fifty dollars (\$50.00). A regulation adopted under this section may provide that a violation shall not be an infraction, but shall be enforced by other methods available, including the methods authorized by subsection (e)."; and

(2) By adding a new sentence to subsection (h) to read:

"Infraction penalties shall be disbursed as provided in G.S. 14-3.1(a)."

Sec. 15. G.S. 15A-1116(b) is amended by inserting the word "criminal" after the word "a" and before the word "summons".

Sec. 16. G.S. 7A-517 (12) is amended by deleting the words "criminal offense" and inserting in their place the word "crime or infraction".

Sec. 17. Section 40 of Chapter 764 of the 1985 Session Laws is amended by deleting the word "July" and inserting in its place the word "September".

Sec. 18. Section 17 of this act is effective upon ratification. Section 1-16 shall become effective on September 1, 1986.

In the General Assembly read three times and ratified, this the 30th day of June, 1986.