

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS35239-MW-6

Short Title: Remove Drivers Lic. Revocation/Fees/Penalties. (Public)

Sponsors: Senator J. Jackson (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE LAWS GOVERNING THE REVOCATION OF DRIVERS
3 LICENSES FOR FAILURE TO PAY A FINE, PENALTY, OR COURT COSTS AND TO
4 REQUIRE A STUDY OF VARIOUS RELATED MATTERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-24.1 reads as rewritten:

7 "§ 20-24.1. **Revocation for failure to appear or pay fine, penalty or costs for motor vehicle**
8 **offenses at a trial or hearing.**

9 (a) The Division must revoke the driver's license of a person upon receipt of notice from
10 a court that the person was charged with a motor vehicle offense and ~~he~~ the person:

11 (1) failed to appear, after being notified to do so, when the case was called for a
12 trial or ~~hearing~~; or hearing.

13 (2) ~~failed to pay a fine, penalty, or court costs ordered by the court.~~

14 Revocation orders entered under the authority of this section are effective on the sixtieth day
15 after the order is mailed or personally delivered to the person.

16 (b) A license revoked under this section remains revoked until the person whose license
17 has been revoked:

18 (1) ~~disposes~~ Disposes of the charge in the trial division in which ~~he~~ the person
19 failed to appear when the case was last called for trial or ~~hearing~~; or hearing.

20 (2) ~~demonstrates~~ Demonstrates to the court that ~~he~~ the person who failed to appear
21 is not the person charged with the ~~offense~~; or offense.

22 (3) ~~pays the penalty, fine, or costs ordered by the court; or~~

23 (4) ~~demonstrates to the court that his failure to pay the penalty, fine, or costs was~~
24 ~~not willful and that he is making a good faith effort to pay or that the penalty,~~
25 ~~fine, or costs should be remitted.~~

26 Upon receipt of notice from the court that the person has satisfied the conditions of this subsection
27 applicable to his case, the Division must restore the person's license as provided in subsection
28 (c). In addition, if the person whose license is revoked is not a resident of this State, the Division
29 may notify the driver licensing agency in the person's state of residence that the person's license
30 to drive in this State has been revoked.

31 ...

32 (d) To facilitate the prompt return of licenses and to prevent unjustified charges of driving
33 while license revoked, the clerk of court, upon request, must give the person a copy of the notice
34 it sends to the Division to indicate that the person has complied with the conditions of subsection
35 (b) applicable to his case. If the person complies with the condition before the effective date of



1 the revocation, the notice must indicate that the person is eligible to drive if ~~he~~the person is
2 otherwise validly licensed.

3"

4 **SECTION 2.** G.S. 20-24.2 reads as rewritten:

5 "**§ 20-24.2. Court to report failure to ~~appear or pay fine, penalty or costs.~~appear.**

6 (a) The court must report to the Division the name of any person charged with a motor
7 vehicle offense under this Chapter who:

8 (1) Fails to appear to answer the charge as scheduled, unless within 20 days after
9 the scheduled appearance, ~~he~~the person either appears in court to answer the
10 charge or disposes of the charge pursuant to ~~G.S. 7A-146; or G.S. 7A-146.~~

11 (2) ~~Fails to pay a fine, penalty, or costs within 40 days of the date specified in the~~
12 ~~court's judgment.~~

13"

14 **SECTION 3.** Article 2 of Chapter 20 of the General Statutes is amended by adding
15 a new section to read:

16 "**§ 20-24.3. Civil judgment for a fine, penalty, or costs.**

17 The court shall direct that a civil judgment be entered in the office of the clerk of superior
18 court pursuant to the provisions of G.S. 1-234 if a person has failed to pay a fine, penalty, or
19 costs imposed by the court pursuant to this Chapter within 40 days of the date specified in the
20 court's judgment. The civil judgment shall be for the total money value of outstanding fines,
21 penalties, or costs imposed by the court pursuant to this Chapter. When the fine, penalty, or costs
22 imposed by the court pursuant to this Chapter are paid in full, the civil judgment indexed under
23 this section shall be deemed satisfied, and the judgment shall be cancelled. Payment satisfying
24 the civil judgment shall also be credited against the fine, penalty, or costs imposed by the court
25 pursuant to this Chapter."

26 **SECTION 4.** The Division and the North Carolina Administrative Office of the
27 Courts shall jointly study (i) whether any legislative changes are necessary to ensure, subject to
28 the satisfaction of any other applicable licensing requirements of Article 2 of Chapter 20 of the
29 General Statutes, licenses previously suspended for failure to pay a fine, penalty, or court costs
30 ordered by the court are returned or restored and (ii) whether Section 3 of this act should be
31 retroactive and made applicable to all unpaid fines, penalties, or costs. This report shall be
32 submitted to the Joint Legislative Transportation Oversight Committee and the Joint Legislative
33 Oversight Committee on Justice and Public Safety by December 1, 2019.

34 **SECTION 5.** Section 4 of this act is effective when it becomes law. The remainder
35 of this act becomes effective July 1, 2020, and applies to motor vehicle offenses charged on or
36 after this date.