

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS35183-MW-69B

Short Title: Revocation of License/Penalty/Costs. (Public)

Sponsors: Senators Britt, McKissick, and Mohammed (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS GOVERNING THE REVOCATION OF DRIVERS
3 LICENSES FOR FAILURE TO PAY FINE, PENALTY, OR COSTS.

4 The General Assembly of North Carolina enacts:

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

6 "§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle
7 offenses.

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

- 11 (1) ~~failed~~The person failed to appear, after being notified to do so, when the case
12 was called for a trial or ~~hearing~~or hearing.
13 (2) ~~failed~~The person failed to pay a fine, penalty, or court costs ordered by the
14 ~~court~~court, and there is a court order at sentencing supported by findings of
15 fact that the person is able to pay and there is good cause to suspend the
16 person's license if the person fails to pay.

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

19 (b) A license revoked under this section remains revoked until ~~the person whose license~~
20 ~~has been revoked~~one of the following occurs:

- 21 (1) ~~disposes~~The person disposes of the charge in the trial division in which ~~he~~
22 the person failed to appear when the case was last called for trial or ~~hearing~~
23 ~~or hearing~~.
24 (2) ~~demonstrates~~The person demonstrates to the court that ~~he~~the person is not
25 the person charged with the ~~offense~~or offense.
26 (3) ~~pays~~The person pays the ~~penalty, fine, or costs~~fine or penalty ordered by the
27 ~~court~~or court.
28 (4) ~~demonstrates~~The person demonstrates to the court that the his failure to pay
29 the ~~penalty, fine, or costs~~fine or penalty was not willful and that ~~he~~the person
30 is making a good faith effort to pay or that the ~~penalty, fine, or costs~~fine or
31 penalty should be remitted.
32 (5) For revocations under subdivision (a)(2) of this section, 12 months have
33 passed since revocation.

34 Upon receipt of notice from the court that the person has satisfied the conditions of this subsection
35 applicable to his case, the Division must restore the person's license as provided in subsection
36 (c). In addition, if the person whose license is revoked is not a resident of this State, the Division



1 may notify the driver licensing agency in the person's state of residence that the person's license
2 to drive in this State has been revoked.

3 (b1) A defendant must be afforded an opportunity for a trial or a hearing within a
4 reasonable time of the defendant's appearance. Upon motion of a defendant, the court must order
5 that a hearing or a trial be heard within a reasonable time.

6 (c) If the person satisfies the conditions of subsection (b) that are applicable to ~~his~~the
7 person's case before the effective date of the revocation order, the revocation order and any
8 entries on ~~his~~the person's driving record relating to it shall be deleted and the person does not
9 have to pay the restoration fee set by G.S. 20-7(i1). For all other revocation orders issued
10 pursuant to this section, G.S. 50-13.12 or G.S. 110-142.2, the person must pay the restoration fee
11 fee, unless the person is indigent, and satisfy any other applicable requirements of this Article
12 before the person may be relicensed.

13 (d) To facilitate the prompt return of licenses and to prevent unjustified charges of driving
14 while license revoked, the clerk of court, upon request, must give the person a copy of the notice
15 it sends to the Division to indicate that the person has complied with the conditions of subsection
16 (b) applicable to ~~his~~the person's case. If the person complies with the condition before the
17 effective date of the revocation, the notice must indicate that the person is eligible to drive if ~~he~~
18 the person is otherwise validly licensed.

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

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

22 "**§ 20-24.2. Court to report failure to appear or pay fine, penalty or costs.**

23 (a) The court must report to the Division the name of any person charged with a motor
24 vehicle offense under this Chapter ~~who~~who fails to do one of the following:

- 25 (1) ~~Fails to appear~~Appear to answer the charge as scheduled, unless within 20
26 days after the scheduled appearance, ~~he~~the person either appears in court to
27 answer the charge or disposes of the charge pursuant to ~~G.S. 7A-146;~~
28 G.S. 7A-146.
- 29 (2) ~~Fails to pay~~Pay a fine, penalty, or costs within 40 days of the date specified
30 in the court's judgment.

31"

32 **SECTION 3.** This act is effective when it becomes law.