



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: NC Department of Transportation Division of Motor Vehicles	
2. Rule citation & name: 19A NCAC 03K .0101 Hearing Fees	
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Effective date:	
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: September 1, 2017 b. Proposed Temporary Rule published on the OAH website: September 11, 2017 c. Public Hearing date: September 25, 2017 and October 12, 2017 d. Comment Period: September 11, 2017 - October 12, 2017 e. Notice pursuant to G.S. 150B-21.1(a3)(2): Session Law 2017-57, Effective June 28, 2017 f. Adoption by agency on: October 31, 2017 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2018 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Session Law 2017-57, Section 34.32(b), (c) and (d). Effective date: June 28, 2017 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other:	
Explain: SECTION 34.32.(c) The Division of Motor Vehicles may adopt temporary rules to implement the provisions of Section 34.9 of S.L. 2014-100, as amended by Section 29.30A of S.L. 2015-241 and subsection (a) of this section. Temporary rules adopted in accordance with this section shall remain in effect until permanent rules that replace the temporary rules become effective. SECTION 34.32.(d) Subsection (b) of this section becomes effective January 1, 2018, and applies to administrative hearings requested on or after that date. The remainder of this section is effective when it becomes law.	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

On June 28, 2017 the North Carolina General Assembly approved Session Law 2017-57 "Appropriations Act of 2017" for the 2016/2017 fiscal year. In Section 34.32.(b) the agency is directed to begin collecting fees for administrative hearings beginning January 1, 2018. In Section 34.32.(c), the Division of Motor Vehicles is authorized to adopt temporary rules to implement the provisions.

In order to be able to establish the fee rates, set up the system for collecting the fees per the established rates, and notify individuals requesting administrative hearings after January 1, 2018 that there will be a fee for scheduling the hearing, the agency needs to utilize the option for adopting temporary rules.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☒ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority: Session Law 2017-57, Section 6.2(a)

☐ No

9. Rule-making Coordinator:

Helen Landi

Phone:

919-707-2830

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hlandi@ncdot.gov

Agency contact, if any:

Charles Church

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919-861-3053

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10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Torre Jessup

Title:

Commissioner, Division of Motor Vehicles

E-Mail: tjessup@ncdot.gov

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles,

RULE CITATION: 19A NCAC 03K .0101

DEADLINE FOR RECEIPT: Thursday, November 9, 2017

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Temporary Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Line 11 – add a comma after “applicant”

Line 11 – replace “listed” with “provided”

Line 11 – replace “will” with “shall”

Line 14 – replace “will only” with “shall”

Line 15 – replace “if such” with “only if the request”

Line 15 – replace “noted” with “provided”

Line 16 – replace “the request” with “a request”

Lines 18 and 21 – do not capitalize the first words in these lines

Line 19 – replace “when” with “if”

Lines 20 and 22 – replace the periods with semicolons

Line 22 – add “or” at the end of this line

Line 25 – replace “Motor” with “a hearing related to motor”

Line 25 – delete “hearings”

Line 31 – delete the underscore after “who”

Line 32 – replace “Article 6B of Chapter 147” with “G.S. 147, Article 6B”

Jason Thomas
Commission Counsel
Date submitted to agency: November 1, 2017

Line 33 – delete the comma

Line 33 – replace “any” with “the applicable”

Page 2, line 4 – add “that” after “notification”

Page 2, line 6 – replace “shall constitute” with “constitutes”

Page 2, lines 8, 9, 11, 13, and 15 – do not capitalize the first words in these lines

Page 2, line 10 – replace “and such date” with “which”

Page 2, line 11 – delete “that may be”

Page 2, line 12 – replace the period with a semicolon

Page 2, line 13 – replace “such” with “the”

Page 2, line 17 – replace “will” with “shall”

Page 2, line 18 – replace “will only” with “shall”

Page 2, line 18 – replace “if such” with “only if the”

Page 2, line 22 – replace “will” with “shall”

Page 2, line 24 – delete or define “actually”

Page 2, line 28 – delete “only”

Page 2, line 29 – add “only” before “if”

Page 2, line 31 – replace the hard return with a space

Page 2, line 34 – delete the underscore after “less”

Page 3, line 6 – replace “is” with “shall be”

Page 3, line 7 – replace “and/or” with “or”

Page 3, line 10 – “Criteria the” with “In evaluating the”

Page 3, line 10 – replace “utilize” with “apply”

Page 3, line 10 – incorporate the Federal Poverty Level Guidelines by reference as provided in G.S. 150B-21.6.

Page 3, line 10 – delete the comma after “Guidelines”

Page 3, line 13 – delete the commas

Jason Thomas
Commission Counsel
Date submitted to agency: November 1, 2017

Page 3, line 13 – replace “with reference by” with “in”

Page 3, line 13 – incorporate the Federal Tax Code definitions by reference as provided in G.S. 150B-21.6.

Page 3, line 17 – delete “such is”

Page 3, line 18 – replace “has ten calendar days to” with “shall”

Page 3, line 19 – replace “the request” with “a request” (twice).

Page 3, line 19 – add “within ten calendar days” after “documentation”

Page 3, line 19 – replace “will” with “shall”

Page 3, line 20 – replace “for” with “of”

Page 3, lines 27, 29, 32, and 35 – do not capitalize the first words in these lines

Page 3, line 30 – replace “and such date” with “which”

Page 3, line 32 – replace “such” with “the”

Page 4, line 1 – replace “will” with “shall”

Page 4, line 2 – replace “will only” with “shall”

Page 4, line 2 – add “only” after “timely”

*Page 4, line 9 – place the effective date on its own line and revise as follows:
“Temporary Adoption Eff. January 1, 2018.”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 19A NCAC 03K .0101 is adopted under temporary procedures with changes as follows:

2
3 **SUBCHAPTER 3K – DIVISION HEARING FEES**

4
5 **19A NCAC 03K .0101 ASSESSMENT OF ADMINISTRATIVE HEARING FEES**

6 (a) The Division shall provide notice to the applicant of a right to an administrative hearing, the procedure for
7 requesting a hearing, the applicable fee for a hearing, notice on how to proceed as an indigent, and the statutory
8 deadline, if any, to timely request a hearing.

9 (b) The fee for each type of hearing provided by the Division shall be set forth in 19A NCAC 03K .0102.

10 (c) A hearing request shall be submitted in writing and shall include the applicable fee listed in the Division's notice
11 to the applicant as listed in Paragraph (a) of this Rule. A request for hearing will neither be accepted by the
12 Division nor be considered received within any required deadline noticed to the applicant under Paragraph (a) of
13 this rule if the hearing request is not completed or the hearing request does not include the applicable hearing
14 fee, except as provided under Paragraph (j) of this Rule. A written hearing request sent via U.S. Mail will only be
15 deemed timely if such is postmarked prior to the statutory deadline, if any, as noted in Paragraph (a).

16 (d) The Division shall take no action on the request or hearing until the required fee is paid in full, except for the
17 following hearings scheduled by the Division due to the nature of the alleged offense, charge, or violation:

18 (1) A hearing conducted to review an applicant's compliance with the requirements and obligations of
19 the Ignition Interlock Program when the applicant is licensed pursuant to a conditional restoration
20 agreement with the Division.

21 (2) A hearing conducted to determine the applicant's compliance with the requirements and obligations
22 of the applicant's probation or conditional restoration agreement with the Division.

23 ~~(3) Hearings related to violations of an alcohol concentration restriction conducted if the alleged~~
24 ~~violation was received on a report from an ignition interlock service provider.~~

25 ~~(3)(4)~~ Motor vehicle dealer license or sales representative license hearings conducted pursuant to G.S. 20-
26 296 for hearings related to a previously-issued license.

27 If the Division takes no adverse action at a hearing listed in this Paragraph, the Division shall not charge a
28 hearing fee to the applicant. If adverse action is taken by the Division following the hearing, the applicant shall
29 pay the required hearing fee set forth in 19A NCAC 03K .0102. This hearing fee shall be paid no later than 30
30 calendar days after the date the hearing is held or the decision is issued by the Division, whichever is later. An
31 applicant who fails to pay the hearing fee within the required 30 calendar day period shall be considered past due
32 and subject to the provisions of Article 6B of Chapter 147.

33 (e) Upon receipt of a written hearing request and the full payment for the required hearing fee, within any deadline, if
34 any, noticed under Paragraph (a) of this Rule, the Division shall send the applicant written notice of the scheduled
35 hearing, including the time, date, and location of the hearing and notice of the time period for an applicant to cancel
36 a hearing request in order to receive a partial refund under Paragraph (g) of this Rule.

37 ~~(f) The Division shall cancel any hearing upon notification that a hearing fee payment has been returned to the~~

~~Division due to insufficient funds from the applicant's financial institution. A notice of the hearing cancellation shall be sent to the applicant. Upon cancellation, any pending adverse action against the applicant previously stayed as part of the hearing process shall be placed into effect by the Division five days after date of notice is mailed per G.S. 20-48. Upon notification a hearing fee payment has been returned to the Division due to insufficient funds from the applicant's financial institution, the Division shall notify the applicant of the insufficient funds and that failure to pay the hearing fee shall constitute a waiver of the hearing. This notification shall include:~~

- ~~(1) The amount of the hearing fee owed by the applicant to proceed with the requested hearing;~~
- ~~(2) A date upon which the applicant shall submit the required hearing fee to the Division (noticed date), and such date shall not be less than 10 calendar days from the date of the notification;~~
- ~~(3) The type of money payment that may be accepted by the Division, including certified check, money order, or other secured methods of payment accepted by the Division.~~
- ~~(4) Notice that if such hearing fee is not received by the Division by the noticed date, the written request for hearing pursuant to Paragraph (c) of this rule will be considered withdrawn; and~~
- ~~(5) Notice that any pending action by the Division upon which the applicant requested a hearing shall be placed into effect if such hearing fee is not paid by the noticed date.~~

~~An applicant's failure to pay the hearing fee by the date contained in the notification letter will be considered a withdrawal of the request for a hearing. A hearing fee paid via U.S. Mail will only be deemed timely if such payment is postmarked prior to the noticed date.~~

- (g) A hearing fee shall be non-refundable unless the Division receives a written notice from the applicant seeking to cancel the hearing postmarked at least 10 business days prior to the scheduled hearing date, except as listed in Paragraph (h) of this Rule. The hearing fee, less a processing fee listed in Paragraph (m) of this Rule, will be refunded. If on the actual date the written hearing request is postmarked or received by the Division, whichever occurs first, the applicant is not actually eligible for the hearing requested, the applicant shall be entitled to a refund of the hearing fee minus the processing fee listed in Paragraph (m) if a written request to cancel the hearing is postmarked at least 3 calendar days prior to the scheduled hearing date. If the applicant is eligible for a hearing when the hearing request is post-marked or received by the Division, whichever occurs first, and the applicant later becomes ineligible for the requested hearing prior to the actual hearing, the applicant is only eligible for a refund, minus the processing fee in Paragraph (m), if the Division receives a written notice from the applicant seeking to cancel the hearing postmarked at least 10 business days prior to the scheduled hearing date.

An applicant's notice to cancel a hearing shall be mailed to: Division of Motor Vehicles, Attn: Administrative Support Unit, 3118 Mail Service Center, Raleigh, NC 27699-3118. Any notice to cancel a hearing postmarked less than 10 business days prior the hearing shall cancel the previously scheduled hearing and the applicant shall not be eligible for a refund of the hearing fee.

- (h) A hearing fee paid pursuant to 19A NCAC 03K .0102(a)(17) shall be non-refundable.
- (i) The Division may waive the administrative a hearing fee when an applicant is indigent. An applicant seeking relief as indigent from an administrative hearing fee shall submit a completed and notarized Affidavit of Indigence as

prescribed by the Division. The applicant may obtain a copy of the Affidavit of Indigence from the Division's website (www.ncdot.gov/dmv/). The Affidavit of Indigence shall be posted by the Division in English and Spanish. A written hearing request that includes a completed and affirmed Affidavit of Indigence that is received by the Division within the deadline noticed under Paragraph (a) of this Rule is considered a timely request for hearing. An applicant may face criminal and/or civil penalties for submitting a false affidavit.

(j) Upon receipt of the Affidavit of Indigence, the Division shall determine whether the applicant is eligible for a waiver of the hearing fee required under Paragraph (c) of this Rule.

(k) Criteria the Affidavit of Indigence, the Division shall utilize the current Federal Poverty Level Guidelines, to qualify an applicant's eligibility for waiver of the hearing fee. The applicant with income below 150 percent of the Federal Poverty Level shall receive a waiver of the hearing fee under Paragraph (c) of this Rule. The terms "household size," and "household income," are defined with reference by the Federal Income Tax Code (U.S. Code Title 26) and U.S. Treasury Regulations. The waiver criteria are:

- (1) household size; and
- (2) household income.

The Division may request documentation from the applicant if such is necessary for the Division to qualify the applicant's eligibility for a waiver of the hearing fee. The applicant has ~~five~~ ten calendar days to comply with the request for additional documentation. Failure to comply with the request for additional documentation will result in a denial for the applicant's request for a waiver ~~on~~ of the hearing fees.

(l) After the Division's review of an applicant's Affidavit of Indigence, the Division shall proceed as follows:

- (1) If the Division finds the applicant is qualified for a waiver of the hearing fee pursuant to the Affidavit of Indigence, the Division shall proceed with the hearing as if the required hearing fee had been paid. The Division shall send the notice listed in Paragraph (e) of this Rule.
- (2) If the Division finds the applicant is not qualified for a waiver of the hearing fee, the Division shall notify the applicant of this determination. This notification shall also include:
 - (A) Notice of the amount of the hearing fee owed by the applicant to proceed with the requested hearing;
 - (B) A date upon which the applicant shall submit the required hearing fee to the Division (noticed date), and such date shall not be less than 10 calendar days from the date of the notification;
 - (C) Notice that if such hearing fee is not received by the Division by the noticed date, the written request for hearing pursuant to Paragraph (c) of this rule will be considered withdrawn; and
 - (D) Notice that any pending action by the Division upon which the applicant requested a hearing shall be placed into effect if such hearing fee is not paid by the noticed date.

An applicant's failure to pay the hearing fee by the date contained in the notification letter will be considered a withdrawal of the request for a hearing. A hearing fee paid via U.S. Mail will only be deemed timely if such payment is postmarked prior to the noticed date.

1 (k) The Division shall retain a sum of fifty dollars (\$50.00) to process all hearing requests set forth in 19A NCAC
2 03K .0102, except for hearings listed under 19A NCAC 03K .0102(a)(2) and (a)(16), for which the Division shall
3 retain twenty dollars (\$20.00).
4

5 *History Note:* Authority G.S. 20-16; 20-17; 20-31; S.L. 2014-100, s. 34.9, S.L. 2015-241 s. 29.30A; S.L. 2017-
6 57, s 34.32(a),(b),(c),(d); Eff. January 1, 2018.
7
8



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: NC Department of Transportation Division of Motor Vehicles	
2. Rule citation & name: 19A NCAC 03K .0102 Administrative Hearing Fee Schedule	
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Effective date:	
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: September 1, 2017 b. Proposed Temporary Rule published on the OAH website: September 11, 2017 c. Public Hearing date: September 25, 2017 and October 12, 2017 d. Comment Period: September 11, 2017 - October 12, 2017 e. Notice pursuant to G.S. 150B-21.1(a3)(2): Session Law 2017-57, Effective June 28, 2017 f. Adoption by agency on: October 31, 2017 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2018 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Session Law 2017-57, Section 34.32(b), (c) and (d). Effective date: June 28, 2017 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other:	
Explain: SECTION 34.32.(c) The Division of Motor Vehicles may adopt temporary rules to implement the provisions of Section 34.9 of S.L. 2014-100, as amended by Section 29.30A of S.L. 2015-241 and subsection (a) of this section. Temporary rules adopted in accordance with this section shall remain in effect until permanent rules that replace the temporary rules become effective. SECTION 34.32.(d) Subsection (b) of this section becomes effective January 1, 2018, and applies to administrative hearings requested on or after that date. The remainder of this section is effective when it becomes law.	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

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In order to be able to establish the fee rates, set up the system for collecting the fees per the established rates, and notify individuals requesting administrative hearings after January 1, 2018 that there will be a fee for scheduling the hearing, the agency needs to utilize the option for adopting temporary rules.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☒ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority: Session Law 2017-57, Section 6.2(a)

☐ No

9. Rule-making Coordinator:

Helen Landi

Phone:

919-707-2830

E-Mail:

hlandi@ncdot.gov

Agency contact, if any:

Charles Church

Phone:

919-861-3053

E-Mail: cchurch@ncdot.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Torre Jessup

Title:

Commissioner, Division of Motor Vehicles

E-Mail: tjessup@ncdot.gov

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles,

RULE CITATION: 19A NCAC 03K .0102

DEADLINE FOR RECEIPT: Thursday, November 9, 2017

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Temporary Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Line 1 – replace “proposed for adoption” with “adopted”

Line 1 – remember to add “with changes” after “procedures”

Line 14 – replace “to include” with “including”

Line 16 – replace “our” with “four” (do not indicate a change – this is how the rule was published)

Page 2, line 1 – replace “from the” with “from a”

Page 2, line 2 – replace “which” with “that”

Page 2, line 3 – replace “each” with “a”

Page 2. Line 10 – add “Temporary Adoption” before “Eff.”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas
Commission Counsel
Date submitted to agency: November 1, 2017

1 *19A NCAC 03K .0102 is proposed for adoption under temporary procedures as follows:*

2
3 **19A NCAC 03K .0102 ADMINISTRATIVE HEARING FEE SCHEDULE**

4 (a) The Division shall assess the following administrative hearing fees, pursuant to Rule .0101 of this Subchapter:

- 5 (1) sixty dollars (\$60.00) for a hearing related to a lapse in financial responsibility conducted pursuant
6 G.S. 20-316;
- 7 (2) forty dollars (\$40.00) for a conference to determine the applicant's eligibility to attend drive
8 improvement clinic as provided by G.S. 20-16;
- 9 (3) seventy-five dollars (\$75.00) for an ignition interlock mouth contaminant review to determine
10 compliance with the requirements of the Ignition Interlock Program and of a conditional restoration
11 agreement with the Division;
- 12 (4) seventy dollars (\$70.00) for ignition interlock medical accommodation reviews;
- 13 (5) one hundred dollars (\$100.00) for all other license suspension or revocation hearings not listed in
14 Subparagraphs (6) through (12) of this Paragraph to include hearings held pursuant to G.S. 20-13
15 and 20-16;
- 16 (6) four hundred fifty dollars (\$450.00) for hearings conducted for violations of an alcohol concentration
17 restriction (ACR), violation of an ignition interlock device restriction, or refusal to submit to a
18 chemical analysis;
- 19 (7) two hundred dollars (\$200.00) for a financial responsibility hearing conducted pursuant to the
20 provisions of the Motor Vehicle Safety-Responsibility Act of 1953;
- 21 (8) two hundred dollars (\$200.00) for a hearing related to a commercial driver license (CDL)
22 disqualification;
- 23 (9) two hundred dollars (\$200.00) for a restoration hearing related to a license suspension due to driving
24 while license revoked or moving violation;
- 25 (10) two hundred twenty five dollars (\$225.00) for an interview held prior to a license restoration hearing
26 in situations involving alcohol-related convictions, suspensions, or revocations;
- 27 (11) four hundred twenty-five dollars (\$425.00) for a license restoration hearing related to driving while
28 impaired (DWI) conducted pursuant to G.S. 20-19;
- 29 (12) two hundred twenty dollars (\$220.00) for hearings conducted to determine compliance with the
30 requirements of probation or restoration agreement with the Division;
- 31 (13) two hundred dollars (\$200.00) for a motor vehicle dealer license or salesman license hearing
32 conducted pursuant to G.S. 20-295 and 20-296;
- 33 (14) two hundred dollars (\$200.00) for a mechanic license or inspection station license hearing conducted
34 pursuant to G.S. 20-183.8G;
- 35 (15) two hundred dollars (\$200.00) for a commercial driver training school hearing;
- 36 (16) fifty dollars (\$50.00) for a hearing related to the denial of a service offered by the Division; and

1 (17) a filing fee in the amount of one thousand two hundred dollars (\$1,200.00) shall be due from the
2 party initiating an action which must be filed with the Commissioner of Motor Vehicles pursuant to
3 G.S. 20-308.1. In addition to the filing fee, each party that files a motion in the case shall be assessed
4 a fee of six hundred dollars (\$600.00) per motion that shall be payable at the time the motion is filed.
5 (b) No fees shall be charged for medical evaluation hearings or competency hearings conducted pursuant to
6 G.S. 20-9(g)(4) or 20-17.1.

7
8 *History Note:* *Authority S.L. 2015-241 s. 29.30A; S.L. 2014-100, s. 34.9; S.L. 2017-57, s 34.32(a), (b), (c), (d),*
9 *Eff. January 1, 2018.*