

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

S

3

**SENATE BILL 934**  
**House Committee Substitute Favorable 6/18/03**  
**Third Edition Engrossed 6/29/03**

Short Title: DWI Provider Authorization Fees.

(Public)

---

Sponsors:

---

Referred to:

---

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION  
2 OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO INCREASE  
3 THE FEE FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN  
4 ASSESSING AGENCY.  
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 122C-142.1(a) reads as rewritten:

8 "(a) Services. – An area authority shall provide, directly or by contract, the  
9 substance abuse services needed by a person to obtain a certificate of completion  
10 required under G.S. 20-17.6 as a condition for the restoration of a drivers license. A  
11 person may obtain the required services from an area facility, from a private facility ~~that~~  
12 ~~has complied with this subsection, authorized by the Department to provide this service,~~  
13 or, with the approval of the Department, from an agency that is located in another state.  
14 ~~Before a private facility located in this State provides the substance abuse services~~  
15 ~~needed by a person to obtain a certificate of completion, the facility shall notify both the~~  
16 ~~designated area facility for the catchment area in which it is located and the Department~~  
17 ~~of its intent to provide the services and shall agree to comply with the laws and rules~~  
18 ~~concerning these services that apply to area facilities."~~

19 **SECTION 2.** G.S. 122C-142.1(f) reads as rewritten:

20 "(f) Fees. – A person who has a substance abuse assessment conducted for the  
21 purpose of obtaining a certificate of completion shall pay to the assessing agency a fee  
22 of ~~fifty dollars (\$50.00),~~ seventy-five dollars (\$75.00). A person shall pay to a treatment  
23 facility or school a fee of seventy-five dollars (\$75.00). If the defendant is treated by an  
24 area mental health facility, G.S. 122C-146 applies after receipt of the seventy-five dollar  
25 (\$75.00) fee.

26 A facility that provides to a person who is required to obtain a certificate of  
27 completion a substance abuse assessment, an ADET school, or a substance abuse  
28 treatment program may require the person to pay a fee required by this subsection

1 before it issues a certificate of completion. As stated in G.S. 122C-146, however, an  
2 area facility may not deny a service to a person because the person is unable to pay.

3 An area facility shall remit to the Department five percent (5%) of each fee paid to  
4 the area facility under this subsection by a person who attends an ADET school  
5 conducted by the area facility. The Department may use amounts remitted to it under  
6 this subsection only to support, evaluate, and administer ADET schools."

7 **SECTION 3.** G.S. 122C-142.1 is amended by adding a new subsection to  
8 read:

9 "(a1) Authorization of a Private Facility Provider. – The Department shall  
10 authorize a private facility located in this State to provide substance abuse services  
11 needed by a person to obtain a certificate of completion if the private facility complies  
12 with all of the requirements of this subsection:

13 (1) Notifies both the designated area facility for the catchment area in  
14 which it is located and the Department of its intent to provide the  
15 services.

16 (2) Agrees to comply with the laws and rules concerning these services  
17 that apply to area facilities.

18 (3) Pays the Department the applicable fee for authorizing and monitoring  
19 the services of the facility. The initial fee is payable at the time the  
20 facility notifies the Department of its intent to provide the services and  
21 by July 1 of each year thereafter. Collected fees shall be used by the  
22 Division for program monitoring and quality assurance. The applicable  
23 fee is based upon the number of assessments completed during the  
24 prior fiscal year as set forth below:

<u>Number of Assessments</u>	<u>Fee Amount</u>
<u>0-24</u>	<u>\$250.00</u>
<u>25-99</u>	<u>\$500.00</u>
<u>100 or more</u>	<u>\$750.00."</u>

25  
26  
27  
28  
29 **SECTION 4.** G.S. 122C-142.1 is amended by adding a new subsection to  
30 read:

31 "(f1) Multiple Assessments. – If a person has more than one offense for which a  
32 certificate of completion is required under G.S. 20-17.6, the person shall pay the  
33 assessment fee required under subsection (f) of this section for each certificate of  
34 completion required. However, the facility shall conduct only one substance abuse  
35 assessment and recommend only one ADET school or treatment program for all  
36 certificates of completion required at that time, and the person shall pay the fee required  
37 under subsection (f) of this section for only one school or treatment program.

38 If any of the criteria in subdivisions (c)(1), (c)(2), or (c)(3) of this section are present  
39 in any of the offenses for which the person needs a certificate of completion, completion  
40 of a treatment program shall be required pursuant to subsection (c) of this section.

41 The provisions of this subsection do not apply to subsequent assessments performed  
42 after a certificate of completion has already been issued for a previous assessment."

43 **SECTION 5.** This act becomes effective July 1, 2003. Section 2 of this act  
44 applies to assessing agencies conducting substance abuse assessments on or after that

1 date. Section 3 of this act applies to private facilities providing substance abuse services  
2 on or after that date. Section 4 of this act applies to assessments pending on or after that  
3 date.