

# ADMINISTRATION OF JUSTICE

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## **CLASS 3 MISDEMEANORS AND INFRACTIONS UNDER THE GUILTY PLEA JURISDICTION OF MAGISTRATES**

■ Joan G. Brannon

North Carolina General Statutes (G.S.) Section 7A-273, which sets out the powers of magistrates in infractions and criminal actions, authorizes magistrates to take guilty pleas in three different instances. First, G.S. 7A-273(2) provides that in misdemeanor or infraction cases involving alcohol offenses under Chapter 18B; traffic offenses; hunting, fishing, and State park and recreation area offenses under Chapter 113; boating offenses under Chapter 75A; and littering offenses under G.S. 14-399(c) and (c1), magistrates may accept written appearances, waivers of trial, and pleas of guilty or admissions of responsibility. This authority to accept a guilty plea is generally referred to as the waiver list jurisdiction. Second, G.S. 7A-273(8) allows magistrates to accept written appearances, waivers of trial, and pleas of guilty for violations of G.S. 14-107 (worthless check), when the amount of the check is \$2,000 or less, restitution is made, and the criminal process does not charge a fourth or subsequent violation of the statute. In both of these instances a magistrate may take pleas of guilty or admissions of responsibility only if the defendant signs a written appearance, waiver of trial and guilty plea, and the magistrate must enter judgment as the chief district court judge directs (or, for waiver list offenses, as the Conference of Chief District Court Judges directs). G.S. 7A-180 and -181 grant the same powers to accept these waivers and pleas of guilty to clerks of superior court and their deputies and assistants.

This memorandum deals with the third authorization to take guilty pleas: G.S. 7A-273(1) provides that magistrates may accept guilty pleas or admissions of responsibility and enter judgment for infractions in which the maximum penalty that can be imposed is not more than \$50 and for Class 3 misdemeanors (Class 3 misdemeanor jurisdiction). The waiver list and Class 3 misdemeanor jurisdictions are mutually exclusive. G.S. 7A-273(1) specifically excludes magistrates from taking guilty pleas under the Class 3 misdemeanor jurisdiction for infractions and Class 3 misdemeanors of the types of cases that may be included on the waiver lists. If a traffic offense; hunting, fishing, or parks and recreation area offense under General Statutes Chapter 113; boating offense under Chapter 75A; alcoholic beverage offense; or littering offense is a Class 3 misdemeanor or infraction, but not included on the

applicable waiver list, the magistrate may not take a guilty plea to that offense under the Class 3 misdemeanor jurisdiction.

G.S. 7A-273(1) is different in its application. The effect is that for those offenses, the person charged must appear in court (or appear through an attorney) to dispose of the charge. Thus, the defendant must personally appear before the magistrate and plead guilty. He or she does not sign a waiver of appearance and trial. Also under this provision the magistrate determines the punishment rather than imposing punishment as directed by the chief district court judge. Finally, clerks of superior court have no authority to accept guilty pleas for Class 3 misdemeanors or infractions.

Most of the Class 3 misdemeanors are obscure, infrequently charged offenses. Commonly charged Class 3 offenses are violations of city and county ordinances; concealment of merchandise (G.S. 14-72.1), second degree trespass (G.S. 14-159.13), and possession of ½ ounce or less of marijuana (G.S. 90-95(d)(4)). The crime of drunk and disruptive (G.S. 14-444) is a Class 3 misdemeanor, but the statute specifically prohibits magistrates from accepting guilty pleas to that offense.

Although G.S. 15A-1340.23 allows the imposition of imprisonment for certain offenders, in practice magistrates may not impose imprisonment when the defendant pleads guilty. In *Argersinger v. Hamlin*, 407 U.S. 25 (1972)<sup>1</sup> the United States Supreme Court ruled that an active sentence of imprisonment cannot be imposed if the defendant is not represented by counsel. Nor may a suspended sentence be imposed or activated if defendant was not represented by counsel at the time of the imposition of the suspended sentence.<sup>2</sup> Because defendants do not typically bring attorneys with them when they plead guilty, imprisonment or a suspended sentence is not an option for the magistrate. Therefore, magistrates are limited to imposing costs and a fine for Class 3 misdemeanors or costs and a penalty for infractions. G.S. 14-3.1 specifies that unless otherwise provided by law, the sanction for an infraction is a penalty of not more than \$100. Most infractions are not within the magistrate's jurisdiction because either the penalty is more than \$50 or they are traffic offenses and covered by the waiver list jurisdiction. For Class 3 misdemeanors, except for violations of city or county ordinances, the maximum fine is \$200, unless the specific statute provides otherwise. For city and county ordinances, G.S. 14-4 provides that if the ordinance

<sup>1</sup> No such right to counsel applies if a fine is imposed. *Scott v. Illinois*, 440 U.S. 367 (1979).

<sup>2</sup> *Alabama v. Shelton*, 535 U.S. 654 (2002).

does not specify the amount of the fine, the maximum is \$50. However, an ordinance may expressly provide for a higher fine up to \$500. Before imposing a penalty for an infraction or a fine for a city or county ordinance, a magistrate must look at the particular ordinance to determine the maximum fine or penalty.

The procedure a magistrate should follow in taking guilty pleas under the Class 3 jurisdiction differs from the procedure for taking other guilty pleas because the magistrate must enter a judgment. The magistrate may use the form entitled "Judgment/Order or Other Disposition," AOC-CV-305 and indicate that the plea was guilty and the verdict was guilty and enter the amount of the judgment. Another option is for the magistrate to note the plea and judgment on defendant's copy of the process (usually a citation). The magistrate should make a notation similar to the following: "Defendant pleads guilty; the verdict is guilty; costs are imposed."

The magistrate must select the amount of fine imposed and may choose to impose no fine or any amount of fine up to the maximum allowed by the statute or ordinance. In some instances the ordinance or statute will provide for a minimum as well as a maximum fine. In those cases, the magistrate may impose no fine or if a fine is imposed, it must be at least the minimum fine. In a few cases the statute mandates that a fine be imposed, in which case the magistrate must impose at least the minimum fine. Court costs must be assessed against the defendant in all cases.

What should the magistrate do if upon specifying the amount of fine, if any, and costs, the defendant states that he or she does not have the cash necessary to pay the fine and costs? Although the statute does not speak to that issue, the magistrate should refuse to accept the guilty plea and indicate to the defendant that he or she may appear before a magistrate to plead guilty at a later time when the defendant has sufficient cash to comply with that magistrate's judgment or may appear before the district court judge at the time set for trial.

Listed below are all of the misdemeanors and infractions that fall within the magistrate's Class 3 jurisdiction. A few Chapter 20 offenses that are not traffic offenses<sup>3</sup> and General Statutes Chapter 113 provisions that are not hunting, fishing, or state park and recreation area offenses are included.

<sup>3</sup> The traffic offense waiver list indicates which parts of Chapter 20 are defined by the Conference of Chief District Judges to be traffic offenses. Offenses in other parts of Chapter 20 are not "traffic" offenses.

### Infractions and Misdemeanors Covered by G.S. 7A-273(1)

If the statutory citation is followed by another statutory cite in parenthesis, the first citation indicates the substantive provision and the second citation is to the punishment provision. Unless otherwise noted, all offenses are misdemeanors. The only punishment listed is the fine because no other punishment can be imposed without a lawyer representing defendant. The amount listed is the maximum fine. If the statute gives a minimum fine, that amount is listed in parenthesis and if the statute makes imposition of at least the minimum fine mandatory, that is indicated.

G.S. Section	Offense	Maximum Punishment
14-4	Violating any county or city ordinance other than ordinance regulating the operation or parking of vehicles. <sup>4</sup>	\$500 if specified in ordinance Otherwise \$50
14-2.6	Solicitation to commit a misdemeanor.	\$200
14-15	Issuing substitutes for money without authority.	\$200
14-16	Receiving or passing unauthorized substitutes for money.	\$200
14-68	Owner of property failing to comply with orders of public authorities.	\$50 per day (\$10)
14-69	Failure of officers to investigate incendiary devices.	\$200 (\$25)
14-72.1	Concealment of merchandise in mercantile establishments (shoplifting). <sup>6</sup>	First offense only <sup>5</sup> : \$200
14-72.3	Removal of shopping cart from shopping premises.	\$200
14-103	Obtaining certificate of registration of animals by false representation.	\$200
14-111.3	Making unneeded ambulance request in certain counties.	\$200
14-117.2	Gasoline price advertisements must indicate if price dependent on purchaser pumping fuel.	\$200
14-118.5	Theft of cable television service.	\$500
14-129	Taking certain wild plants from land of another.	\$50 (\$10)
14-129.2	Taking sea oats.	\$200 Mandatory (\$25)
14-131	Trespass on land under option by the federal government.	\$200

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<sup>4</sup> City or county ordinances regulating the operation or parking of vehicles are infractions, but are not listed in this chart because they fall within "traffic offenses" covered by the waiver list.

<sup>5</sup> Subsequent offenses within a certain period of time are Class 2 misdemeanors and not within the magistrate's jurisdiction.

<sup>6</sup> Although the statute includes special provisions about granting suspended sentences, it does not require the imposition of a sentence. Therefore, magistrates may take a guilty plea to the offense.

<b>G.S. Section</b>	<b>Offense</b>	<b>Maximum Punishment</b>
14-134.2	Operating motor vehicle upon utility easements that is posted "no trespassing" or after being forbidden to do so.	\$200
14-138.1	Setting fire to grassland, brushland, or woodland.	\$50 (\$10)
14-140.1	Certain fire to be guarded by watchman.	\$50 (\$10)
14-145	Unlawful posting of advertisements.	\$200
14-152	Injuring fixtures and other property of gas companies.	\$200
14-155	Making unauthorized connections with telephone or telegraph.	\$200
14-157	Negligently felling trees on telephone or electric-power lines.	\$200
14-159	Injuring buildings or fences; taking possession of house without consent.	\$200
14-159.8	Mutilating, taking down "posted" signs or posting signs without consent of owner or agent.	\$100
14-159.13	Second degree trespass.	\$200
14-159.21	Vandalizing a cave.	\$200
14-159.22	Selling speleothems (cave rock formations such as stalagmites).	\$200
14-197	Using profane or indecent language on public highways.	\$200
14-202.11 (14-202.12)	Violation of restrictions as to adult establishment.	First offense only: \$200
14-226.1	Violating certain orders of court to restore public safety.	\$250
14-227	Failing to attend as witness before a legislative committee.	\$1,000 Mandatory (\$500)
14-275.1	Disorderly conduct at bus or railway station or airport.	\$200
14-276.1	Impersonating a fireman or emergency medical personnel.	\$200
14-280.1	Trespassing on railroad right-of-away.	\$200
14-281.1	Throwing, dropping objects at sporting events.	\$200
14-286.1	Making false ambulance request.	\$200
14-288	Polluting bottles used for beverages.	First offense: mandatory \$1 per bottle Subsequent offense: \$10 per bottle
14-288.12	Violating city ordinance to deal with state of emergency.	\$200
14-288.13	Violating a county ordinance to deal with state of emergency.	\$200

<b>G.S. Section</b>	<b>Offense</b>	<b>Maximum Punishment</b>
14-288.13	Violating a county ordinance to deal with state of emergency.	\$200
14-288.14	Violating proclamation of chair of board of county commissioners extending emergency restrictions imposed in municipality.	\$200
14-313	Failure of retail distributor of tobacco products to post sign regarding sale to minors.	Infraction: First offense only Mandatory \$25
14-317	Permitting minors to enter barrooms or billiard rooms.	\$200
14-321	Failing to pay minors for doing certain work.	\$200
14-355	Blacklisting employees.	\$500
14-358	Violation of certain contracts between landlord and tenant.	\$200
14-359	Tenant neglecting crop; landlord failing to make advances; harboring or employing delinquent tenant.	\$200
14-363.1	Giving baby chicks or other fowl or rabbits under 8 weeks of age as pets or novelties.	\$200
14-382	Adjoining owner polluting water on lands used for dairy purposes.	\$200
14-384	Injuring or tearing down notices and advertisements.	\$200
14-385	Defacing or destroying legal notices and advertisements.	\$200
14-395	Commercialization of American Legion emblem; wearing by nonmembers.	\$200
14-399.2	Selling certain plastic yoke and ring type holding devices that do not meet statutory requirements.	\$200 Mandatory (\$50)
14-401.7	Persons, firms, banks and corporations dealing in securities on commission taxed as a private banker.	\$500 Mandatory (\$100)
14-401.9	Parking vehicle in private parking space without permission.	\$10
14-401.13	Failure to give notice of right to cancel in off-premises sales or failing to refuse to honor notice of cancellation.	\$200
14-401.17	Unlawful removal or destruction of electronic dog collars.	First offense only: \$200
14-458	Computer trespass if no damage to property of another.	\$200
14-460	Riding on train unlawfully.	\$200
19A-35	Pet shop, kennel failing to adequately care for animals.	\$1,000 (\$5 per animal)
19A-36	Violation of law relating to seizing, impoundment and custody of animal by dog warden.	\$100 (\$50)

<b>G.S. Section</b>	<b>Offense</b>	<b>Maximum Punishment</b>
20-59	Lienor who holds certificate of title failing to surrender title when lien satisfied.	\$200
20-74	Making a false statement about the date a vehicle was transferred.	\$200
20-77	Operator of business for garaging, repairing, parking, or storing vehicles for the public failing to file an unclaimed vehicle report with DMV.	\$200
20-79.2	Driving a motor vehicle with a Dealer-Transporter plate in violation of restrictions on license plate.	\$50
20-111	Giving, lending, or borrowing of a license plate for the purpose of using it on some motor vehicle other than that for which it is issued.	\$200
20-215.4	Violation of any DMV rule or regulation regarding motor carriers transporting migratory farm workers.	\$200
20-219.2	Unauthorized parking in leased parking space.	\$10
20-279.30 (20-279.31)	Willfully failing to return license if insurance cancelled.	\$200
20-327	Violating Driver Training School Licensing law.	\$200
20-371	Violating professional housemoving laws.	\$500
20-390	Refusal to permit Dep't of Crime Control and Public Safety to inspect records.	\$5,000 (\$500)
20-396	(a) Seeking to evade motor carrier laws. (b) Motor carrier failing to make report as required.	\$500 \$5,000
47-30 (47-32.2)	Violating plats and subdivisions mapping requirements.	\$500 (\$50)
47-32 (47-32.2)	Photographic copies of plats used in special proceedings must comply with register of deed specifications.	\$500 (\$50)
53-86	Bank director or officer accepting fees.	\$200
53-127	Unlawfully using terms indicating that business is bank or trust company.	\$500
58-3-60	Insurance company failing to properly publish assets and liabilities. (\$500)	\$1,000
58-16-20	Insurance company owned or controlled by foreign government prohibited from doing business.	\$200
58-24-180	(a) Soliciting membership in unlicensed fraternal benefit society (b) Society neglecting or refusing to comply or violating certain provisions of law on Fraternal benefit societies.	\$5,000 (\$1,000) \$5,000

<b>G.S. Section</b>	<b>Offense</b>	<b>Maximum Punishment</b>
58-25-70	Unauthorized wearing of badges, etc. of fraternal organization.	\$200
58-28-45	Violating Unauthorized Insurers Act.	\$5,000 (\$1,000)
58-31-60	State employee attempting to influence Employee Insurance Committee.	\$200
58-33-110	Agents signing certain blank insurance policies.	\$5,000 (\$1,000)
58-43-35	Insurance agent issuing fire policies contrary to law.	\$5,000 (\$1,000)
58-50-70	Violation of Articles 50 through 55 of Chapter 58.	\$5,000
58-57-80	Creditor requiring credit life insurance or credit accident insurance in excess of authorized amounts.	\$2,000
62-313	Public utility refusing to permit Utilities Comm'n to inspect records	\$5,000 (\$500)
62-319	Unlawfully riding on train.	\$200
62-325	a. Unlawful motor carrier operations. b. Motor carrier failing to file required reports.	First offense: \$500 Subsequent offense: \$2,000 \$5000
62-327	Public utility making gifts to members of Utilities Comm'n.	\$200
63-35	Violating Model Airport Zoning Act.	\$200
63A-7	Violating ordinance of the NC Global TransPark Authority.	\$200
66-10	Failure of dealers of scrap, salvage, or surplus to keep record of person from whom scrap is purchased.	\$50
66-16	Violating provisions regarding manufacture and sale of matches.	First offense: \$25 (\$5) Subsequent offense: \$200 (\$25)
66-27.5	Dealer selling house trailer of certain size without two doors.	\$200
66-68 (66-71)	Failure of business acting under assumed name to file certificate.	\$200
66-169	Public official knowingly permitting inspection of records of precious metals business.	\$500
66-257	Peddler or itinerant merchant (a) failing to get permission of landowner before selling from property (b) failing to produce registration certificate, (c) failing to provide identifying information upon request or providing false information, or (d) knowingly giving false information when registering.	\$200
67-2	Permitting female dog to run at large when in heat.	\$200
67-3	Refusing to kill dog that kills domestic animals or letting it run at large.	\$200

<b>G.S. Section</b>	<b>Offense</b>	<b>Maximum Punishment</b>
67-4	Failing to kill a mad dog.	\$200
67-4.2	Failing to leave dangerous dog confined; permitting dangerous dog to go off owner's premises unrestrained; transferring ownership of dangerous dog without providing required written notice.	\$200
67-12	Permitting dog to run at large at night.	\$200
67-16	Failing to discharge duties under License Tags on Dogs law.	\$200
68-16	Allowing livestock to run at large.	\$200
68-21	Illegally releasing or receiving impounded livestock.	\$200
68-22	Failing to feed and water impounded livestock.	\$200
68-25	Permitting domestic fowls to run at large after notice.	\$200
68-42 (68-44)	Allowing stock to run at large on outer banks.	\$200
72-7.1	Admittance of pets to hotel rooms.	\$200
72-30	Registration at hotel to be in true name.	\$200
74-64	Mining operator violating provisions of Mining Act.	\$1,000 (\$100)
74-87	Person engaged in exploration activity for uranium violating act.	\$1,000 (\$100)
74D-2	Disclosure of confidential information by Alarm License Board.	\$200
75-12	Refusal to furnish information required under Chapter.	(\$1000) <sup>7</sup>
76-41	Obstructing waters of Currituck Sound.	\$200
76-42	Lumberman to remove obstructions placed in Albemarle Sound.	\$50 (\$1)
76-43	Anchorage in range of lighthouses.	\$50
76-47	Acting as vessel pilot without a license.	\$200
76-57	Rafts to exercise care in passing buoys.	\$50
77-37	Violating regulation for Lake Wylie and shoreline area.	\$200
80-22	Altering timber trademark.	\$200
80-23	Possession of branded logs without consent.	\$200

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<sup>7</sup> The statute lists \$1,000 as the minimum, but lists no maximum. Since generally the maximum for a Class 3 misdemeanor is \$200, \$1,000 is probably the minimum and the maximum fine.

<b>G.S. Section</b>	<b>Offense</b>	<b>Maximum Punishment</b>
84-2	Private practice of law by certain disqualified court and public officials.	(\$200) <sup>8</sup>
86A-20	a. Practice barbering without certificate of registration. b. Obtaining a certificate of registration for money or by fraudulent representation. c. Practicing barbering by fraudulent misrepresentations. d. Willful failure to display barbering certificate of registration. e. Practicing barbering while registration is suspended or revoked. f. Permitting employee to practice as a barber unless has certificate of registration or registered apprentice.	\$200
89B-15	Violation of forester registration laws.	\$200
90-12	Holder of limited license to practice medicine practicing beyond boundaries described in license or at place other than clinics that specialize in treatment of indigent patients.	\$50 (\$25)
90-95(d)(4)	Possession of ½ oz. or less of marijuana or 1/20 oz. of extracted resin of marijuana (hashish). <sup>9</sup>	\$200
90-178.3 (90-178.7)	Practicing midwifery without approval from joint subcommittee of NC Medical Board and Board of Nursing.	\$200
90-210.81	Secretary or secretary-treasurer of Mutual Burial Association failing to file annual report of financial condition with Board of Funeral Service.	\$200
93-13	Violation of Chapter regulating certified public accountants.	\$1,000 (\$100)
95-69.18	Operate boiler or pressure vessel without inspection certificate.	\$1,000
95-73 (95-75)	Resident creditor trying to collect debt against NC wage earner out-of-state to avoid exemptions.	\$200
95-74 (95-75)	Counseling resident creditor to try to collect debt out-of-state to avoid exemptions.	\$200
95-104	Violating provisions regarding payment for benefit of labor organizations.	\$1,000 (\$100)
97-21	Employer making deduction from employee's pay for contribution to benefit fund.	\$500
103-2	Hunting with gun on Sunday.	\$200
105-233	Officers or employees willfully failing to comply with tax law.	\$1,000 (\$100)

<sup>8</sup> The statute lists \$200 as the minimum, but lists no maximum. Since generally the maximum for a Class 3 misdemeanor is \$200, that amount is probably both the minimum and the maximum fine.

<sup>9</sup> G.S. 90-95(d)(4) provides that any sentence of imprisonment must be suspended and the judge may not require at the time of sentencing that defendant serve a period of imprisonment as a special condition of probation. Even though the statute uses the word "judge," it does not require a suspended sentence. Therefore, a magistrate can take a guilty plea to this offense.

<b>G.S. Section</b>	<b>Offense</b>	<b>Maximum Punishment</b>
105-234	Aiding or abetting officers, agents or employees in violation of tax law.	\$1,000 (\$100)
105-296	Tax assessor or other employee disclosing confidential tax information regarding business enterprise.	\$50
105-316.6	Violation of requirement to obtain tax permit before moving mobile home.	\$200
105-369	Tax collector willfully advertising tax lien knowing that property not subject to lien.	\$200
105-449.51	Motor carriers using out-of-state fuel who operating motor vehicle without carrying required registration card.	\$200 (\$10)
106-65.48	Interference with Comm'r of Agriculture in carrying out duties under NC Biological Organism Act or other violation of Act.	\$200
106-92.14	Violating provisions of Agricultural Liming Materials and Landplaster Act.	\$1,000 Mandatory (\$200)
106-189.2	Selling immature apples.	\$200 (\$100)
106-196	Violating provision of Marketing and Branding Farm Products Act or interfering with employee carrying out duties under Act.	\$200
106-202.19	Violating Plant Protection and Conservation Act.	First offense: \$500 (\$100) Subsequent offense: \$1,000 (\$500)
106-245.24	Violating NC Egg Law.	\$200
106-255	Violating law regarding inspection of ice cream plants, creameries and cheese factories.	First offense: \$25 Subsequent offense: \$200
106-277.24	Violating North Carolina Seed Law.	\$500
106-310	Failing to bury hog dying natural death.	\$10 Mandatory (\$5)
106-311	Failing to segregate and secure swine affected with infectious disease.	\$200
106-404	Owner failing to kill animal affected with glanders.	\$200
106-423.1	Preventing inspection of premises or interfering with Comm'r of Agriculture in carrying out duties regarding plant pests.	\$200
106-454	Operator of tobacco warehouse failing to give seller bill stating charges.	First offense only: \$200
106-455	Tobacco purchases to be paid for by cash or check payable to order.	\$200
106-464	Violating provisions regarding leaf tobacco sales.	\$200

<b>G.S. Section</b>	<b>Offense</b>	<b>Maximum Punishment</b>
106-514	Unlawful entry on fairgrounds or agricultural or horticultural society.	\$200
106-515	Assisting unlawful entry on grounds of fair association.	\$200
106-518	Carnivals and vendors and exhibitors near fair required to get permit.	\$200
106-644	Attempting to prevent inspection under NC Bee and Honey Act.	\$200
106-764	Violating Aquaculture Development Act.	\$200
110-20.1	Exhibiting child under age of 18 who is mentally ill or mentally retarded.	\$200
113-25	Failure of person engaged in manufacture of product from mineral resources to notify Dep't of Environment and Natural Resources.	\$25 (\$5)
113-55	Refusal of person to assist or allow use of equipment by forest ranger to extinguish forest fire.	\$100 (\$50)
113-58	Destroying posted forestry notice.	\$200
113-60.29	Violating provisions regarding regulation of open fires.	\$200
113A-42	Violating provision of Natural and Scenic Rivers Act.	\$50
113A-195	Official disclosing information obtained from production report for primary forest product assessment.	\$50
115B-6	Misrepresenting eligibility for tuition waivers.	\$200
115C-45	Failing to appear in response to a subpoena from a local school board.	\$200
115C-288(g)	Principal failing to report certain acts occurring on school property to law enforcement agency.	\$200
115C-379	School official failing to comply with instructions from State Board of Education regarding unlawful absences.	\$200
115C-380	Parent violating compulsory attendance law.	\$200
115C-525	Failing to perform duties imposed regarding school fire hazards.	\$500
115C-534	Duty of school board to insure school property.	\$200
115D-96	Operating proprietary school without license and bond.	\$200
116-235	a. Aiding and abetting student to be unlawfully absent from School of Science and Math. b. Violating an ordinance regulating traffic and parking at School of Science and Math.	\$200
121-4	Violating rules adopted by Historical Comm'n governing use of historical, architectural, archaeological, or cultural properties.	\$200

<b>G.S. Section</b>	<b>Offense</b>	<b>Maximum Punishment</b>
121-5	Removing public record from office where usually kept or altering or destroying record.	\$200
122C-25	Release of confidential mental health information acquired by Dep't of Human Resources during inspection.	\$500
122C-28	Operating a licensable mental health, developmentally disabled, or substance abuse facility without a license.	First offense: \$50 Subsequent offense: \$500
122C-52	Disclosure of confidential mental health information.	\$500
122C-66	Failure of employee of mental health, developmentally disabled, or substance abuse facility to report abuse or exploitation or accidental injury of client to designated personnel.	\$500
122C-158	Permitting access to or examining or removing personnel filed of area mental health authority.	\$500
122C-192	Release of confidential information acquired for quality assurance.	\$500
122C-406	Violating ordinance adopted by Sec'y of Human Resources regarding Camp Butner.	\$200
125-11	Failing to return books to State Library within 30 days of receiving notice.	\$200
126-27	Permitting access to unauthorized person of personnel file of state Employee.	\$500
126-28	Unauthorized person examining or copying personnel file of state employee.	\$500
131D-2(b)(2)	Operating adult care homes without a license. Subsequent offense: \$500	First offense: \$50
131D-10.7	Establishing foster care of children or placing children. In residential child-care facilities without a license.	First offense: \$50 Subsequent offense: \$500
131E-80	Release of confidential health information acquired by Dep't of Human Resources during inspection.	\$500
131E-81	Operating a hospital without a license.	First offense: \$50 Subsequent offense: \$500
131E-90	Patient refusing to leave hospital upon discharge.	\$200
131E-109(a)	a. Operating nursing home without a license. b. Giving advance notice to nursing home of inspection or violating rules regarding nursing homes.	\$500 \$200
131E-141.1	Operating home care agency without a license.	\$500
131E-151	Operating ambulatory surgical facility without a license.	First offense: \$50 Subsequent offense: \$500

<b>G.S. Section</b>	<b>Offense</b>	<b>Maximum Punishment</b>
131E-154.8	Disclosing confidential patient information obtained in inspection of nursing pool.	\$500
131E-207	Disclosing confidential patient information obtained in inspection of hospice program.	\$500
132-3	Removing public record from office where it is usually kept or destroying public record in violation of State Archives rules.	\$500 (\$10)
133-4	Violating provisions of chapter involving public works.	\$500
136-18.4	Failure of driver of truck or other slow-moving vehicle to use pull-off area provided and thereby impeding traffic.	\$200
136-20(e)	Failure of railroad company to install safety devices when ordered to by Sec'y of Transportation.	\$100 (\$50)
136-32.2	Placing lights that are flashing, moving, rotating in a manner to blind driver, that that resemble traffic lights, or that causes operator of motor vehicle to mistakenly believe that there is approaching some obstacle.	\$200
136-91	Placing glass or other sharp substance or any injurious obstruction on highway or public vehicular area.	\$200
136-94	Erecting gate, which when opened, will project over right-of-way of State highway.	\$200
136-102	Billboard obstructing view at entrance to school, church or public institution on public highway.	Mandatory \$10
136-194	Failure of railroad to maintain cattle guards and private crossings.	\$200
143-138(h)	Violating State Building Code.	\$50
143-153	Keeping swine near State institutions.	\$50 (\$10)
143-214.4	Manufacturing or selling cleaning agents containing phosphorus in violation of statute.	\$50
143-215.17	Violating provisions regarding regulation of use of water resources.	\$1,000 (\$100)
143-215.36	Violating provisions of Dam Safety Law.	\$1,000 (\$100)
143-215.69	Violating provisions regarding water and air quality reporting.	\$1,000 (\$100)
143-215.98	Violating provisions requiring registration of oil terminal facility.	\$200
143-355	Violating provisions requiring well drilling.	\$50
143B-461	Violating any rule, regulation or ordinance adopted by State Ports Authority regarding streets and parking areas on Ports Authority property.	\$200

<b>G.S. Section</b>	<b>Offense</b>	<b>Maximum Punishment</b>
146-13	Erecting pier on State lake without permit.	\$200
153A-98	a. County official or employee knowingly and with malice permitting person to have access to confidential information in county employee's personnel file. b. Person not entitled to access examining confidential information in county employee's file.	\$500
156-19	Obstructing canal or ditch dug under agreement.	\$200
156-24	Obstructing drain cut by consent.	\$200
156-25	Protection of canals, ditches, and natural drains.	\$200
156-32	Failure to serve as commissioner summoned to determine whether to drain creek.	\$200
156-92	Injuring or obstructing levee, ditch, drain or watercourse constructed under statute.	Twice damage done
159-181	Officer or employee of local government or public authority knowingly issuing false report or document or willfully failing to perform a duty imposed under Local Government Finance Act.	\$1,000
160A-168	a. City official or employee knowingly and with malice permitting person to have access to confidential information in city employee's personnel file. b. Person not entitled to access examining confidential information in city employee's file.	\$500
160A-308	Violation of city ordinance regulating dune buggies.	\$200
168-4.5	Disguising dog as assistance dog or deprive impaired person of rights regarding assistance dogs.	\$200

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