

NOTICE OF CHARGE

THIS NOTICE OF CHARGE IS ISSUED TO THE BELOW LICENSE HOLDER PURSUANT TO NORTH CAROLINA GENERAL STATUTE 20-183.8F(B). THE LICENSE HOLDER HAS THE RIGHT TO A HEARING TO CONTEST THE VIOLATION. G.S. 20-183.8G SETS OUT THE PROCEDURE FOR OBTAINING A HEARING.

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|--------------------------|--|
| OCA No: | |
| Station Violation | |
| Station License No: | |
| Station Name: | |

| | |
|---|--|
| Technician Violation <i>(complete when alleging violation against technician)</i> | |
| Technician License No: | |
| Technician Name: | |

STATION VIOLATION **TECHNICIAN VIOLATION** *(check only one box, additional charges must be on a separate NOC)*

| | | | |
|--------------------|--|----------------------|--|
| Violation Date: | | Violation Type: | |
| Safety Statute No: | | Emission Statute No: | |
| Statute Text: | | | |
| Vehicle VIN: | | License Plate: | |
| Vehicle Year: | | Make/Model: | |
| To wit: | | | |

The undersigned Inspector of the Division of Motor Vehicles has probable cause to believe the licensed committed the above violation.

Inspector Signature:

| | |
|-----------------------|--|
| Inspector Name: | |
| File Number: | |
| Inspector's District: | |

NOTICE OF A RIGHT TO A HEARING (N.C. GEN. STAT. §20-183.8G)

You have a right to a hearing if:

1. The Division denies your application for license or registration.
2. The Division delivers to you a written statement of charges of a violation that could result in the suspension or revocation of your license.
3. The Division summarily suspends or revokes your license following review and authorization of the proposed adverse action by a judge.
4. The Division assesses a civil penalty against you.
5. The Division issues you a warning letter.
6. The Division cancels your registration.

North Carolina General Statute requires the station or individual receiving a Notice of Charge to inform the Division of Motor Vehicles of their desire for a hearing on the incident for which they are charged within ten (10) calendar days of receipt of the Notice of Charge. If a hearing is not requested within this ten (10) day window, the person waives his or her right to a hearing and the applicable penalty delineated in North Carolina General Statute will be imposed.

For violations that could result in a suspension or revocation, the Division of Motor Vehicles is required to hold a hearing within thirty (30) calendar days after receiving your hearing request, unless the matter is continued for good cause. All other violations, the Division of Motor Vehicles is required to hold a hearing within ninety (90) calendar days after receiving your hearing request, unless the matter is continued for good cause. The hearing will be held at a location designated by the Division. Should you request a hearing, your penalty will not take effect until a decision is made following the hearing.

North Carolina General Statutes 20-183.7A and 20-183.8B outline the civil penalty schedule that applies to inspection station and inspection mechanic license holders. The schedule categorizes inspection violations into three (3) categories depending on the severity of the violation. The Division **must** take the appropriate action for affirmed violations as dictated by statute.

INSTRUCTIONS FOR REQUESTING A HEARING

To request a hearing, complete the enclosed Hearing Request form contained in this packet, ensuring you check the box indicating that you would like a hearing, filling in the requested information, and signing and dating the form in the appropriate place. All Hearing Requests must be signed by the station owner, corporate officer, or manager, and should include the station name, address, phone number, and station number to ensure proper processing. In the case of a Hearing Request made on behalf of a technician, the Hearing Request must be signed by the technician and should include the technician's name, address, phone number, and technician number to ensure proper processing. Please write legibly to ensure proper processing.

Hearing requests must be postmarked by the tenth calendar day following receipt of the Notice(s) of Charge or the right to a hearing is waived. If the tenth calendar day falls on a Sunday or Federal Holiday, the postmark must be the following business day. Hearing Requests cannot be submitted to DMV Inspectors or at local DMV offices; any Hearing Requests submitted in this manner will not be accepted or processed.

A hearing fee of \$200.00 per Notice of Charge is required when requesting a hearing and the fee must accompany the hearing request form to be valid. If you have multiple Notices of Charge, you must request a separate hearing for each violation and you must separately submit the entire hearing fee amount associated with each additional violation. **The only acceptable methods of payment are cashier's checks or money orders; cash and debit/credit card payments will not be accepted.**

We strongly advise that you attend any hearing you request. If you fail to attend the hearing at the specified date, time, and location, the applicable penalty delineated in North Carolina General Statute will be imposed. You have the right to have an attorney present, testify on your behalf, cross-examine any witness produced by the Division, and produce evidence on your behalf at any hearing held.

NOTE: If you have multiple Notices of Charge outstanding, you must request a hearing for each one. One Hearing Request does not cover multiple Notices of Charge.



LICENSE & THEFT STATION AND/OR TECHNICIAN VIOLATION HEARING REQUEST FORM

I, _____, request a hearing for one of the hearings below. Please check the hearing you are requesting.

- Station Violation Hearing
- Technician Violation Hearing

In submitting this request, I understand **the entire hearing fee(s) amount must accompany this form for a violation(s) hearing request to be valid and a hearing to be scheduled.**

A hearing fee of \$200.00 per Notice of Charge is required. If you have multiple Notices of Charge, you must request a hearing for each violation and submit a separate hearing fee of \$200.00 for each additional violation.

Please make the cashier’s check or money order payable to NCDMV.

Please see Admin Code 19A NCAC 03K .0101 for further information.

Please **legibly** write all the information below to assure proper processing of your hearing request.

| | |
|--|--------------------------|
| OCA Number: | |
| Station Name: | Station Number: |
| Station Address: | |
| Mailing Address, if different from the station address: | |
| Station Phone Number: | Station Fax Number: |
| | |
| Technician Name: | Technician ID Number: |
| Technician Address: | Technician Phone Number: |
| | |
| Name, Address, and Phone Number of Attorney (if applicable): | |
| | |

Signature: _____ **Date:** _____

Email Address: _____

All Requests and Payments should be mailed to: Division of Motor Vehicles, Attn: Hearings Support Unit, 3127 Mail Service Center, Raleigh, NC 27697-3127.

*If a hearing request is not postmarked by the tenth (10) calendar day of receipt of the Notice(s) of Charge, the technician or station waives its right to a hearing and the applicable penalty delineated in North Carolina General Statute will be imposed. If the tenth calendar day falls on a Sunday or Federal Holiday, the postmark must be the following business day.

*You may cancel your hearing at any time by faxing the Station or Technician Violation Hearing Cancellation Request (HF-013) form to 919-715-0132, which can be downloaded at the following website: <https://www.ncdot.gov/dmv/downloads/Pages/administrative-hearings.aspx>. Please review the cancellation request form for terms and conditions of partial refunds.

INSTRUCTIONS FOR MAKING A PAYMENT OF CIVIL PENALTY

Payments for civil penalties **must** be mailed to the Division addressed as follows: NC DMV License and Theft Bureau, Inspections Unit, 3130 Mail Service Center, Raleigh, NC 27699-3130. Return the payment voucher with your payment to insure proper processing. **The only acceptable methods of payment are cashier's checks or money orders; cash and debit/credit card payments will not be accepted.**

Payments cannot be given directly to the DMV Inspectors or made at district offices. Payments are due within thirty (30) calendar days of receipt of the Notice(s) of Charge unless a hearing is requested. If payment is not received by the close of business on the due date, your ability to continue performing inspections will be suspended until payment is received and processed. To avoid any interruption in your ability to perform inspections caused by failure to pay civil penalties, we recommend mailing your payment five (5) business days prior to the due date to insure timely processing. The payment of a civil penalty does not negate a possible suspension and/or revocation of a license, if such suspension/revocation is applicable to the violation listed in the Notice of Charge.

Payment Voucher for Civil Penalty

For OCA:

| | |
|-------------------|------------------|
| Current Date: | Date of Offense: |
| Station Name: | Station Number: |
| Street Address: | |
| City, State, ZIP: | |
| Phone No.: | |

| Payment Method (CK or MO) | Check/Money Order No. | Amount | Tech/Station # |
|---------------------------|-----------------------|--------|----------------|
| | | | |
| | | | |

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|------------------------|
| Total Amount Submitted |
| |

Please make the cashier's check or money order payable to NCDMV. Payments for civil penalties must be mailed to the Division addressed as follows:

NC DMV License and Theft Bureau
Attention: Inspections Unit
3130 Mail Service Center
Raleigh, NC 27699-3130