

## **10A NCAC 27A .0205 FUNDING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS**

- (a) Pursuant to G.S. 20-179.2 the Department of Health and Human Services shall have the authority to approve programs, budgets and contracts with public and private governmental and non-governmental bodies for alcohol and drug education traffic schools operated by an area program or operated by a contractor through a contract with an area program.
- (b) Fees paid by persons enrolling in an alcohol and drug education traffic school established pursuant to G.S. 20-179.2 shall be used to support the schools except as indicated in (e) of this Rule. Other funds to support the schools may come from multiple sources such as, but not limited to, county general funds, state appropriations, federal appropriations, and receipts for services (patient fees). This Rule is established to set accounting requirements for the fees received pursuant to G.S. 20-179.2.
- (c) Fees received pursuant to G.S. 20-179.2 shall be limited to purchases of the following:
- (1) to rent or lease space to conduct alcohol and drug education traffic school classes if sufficient space is not available in area program facilities;
  - (2) personnel and support costs necessary to assure a systematic and timely processing of referrals to alcohol and drug education traffic schools;
  - (3) supplies and materials necessary for the efficient and timely operation, evaluation and administration of alcohol and drug education traffic schools and for developing and maintaining an efficient liaison process with the judicial system, interested community groups, the Division of Motor Vehicles and the Department of Health and Human Services;
  - (4) non-administrative equipment necessary for the operation of alcohol and drug education traffic schools;
  - (5) administrative equipment for alcohol and drug education traffic school personnel employed full-time and a pro-rated amount for personnel assigned less than one hundred percent of the time to traffic schools;
  - (6) renovations that do not result in the acquisition of real property by the area program;
  - (7) travel;
  - (8) area program administrative costs that can be documented as chargeable to the schools; and
  - (9) other necessary operating expenses as approved by the Division.
- (d) Fees received pursuant to G.S. 20-179.2 shall not be used for acquisition of real property by the area program.
- (e) Fees received pursuant to G.S. 20-179.2 shall be used to support the operation, evaluation and administration of the alcohol and drug education traffic schools. Any excess fees received pursuant to G.S. 20-179.2 shall be used to continue or to expand alcohol and drug services.
- (f) Fees received pursuant to G.S. 20-179.2 shall not be used in any manner to match state or division funds or to be included in any computation for state or division formula funded allocations.
- (g) Fees received pursuant to G.S. 20-179.2 shall be consistently identified as such. All such fees remaining at the end of the area program's fiscal year shall retain their identity and the fund balance of the area program shall be so restricted as to assure continued use of the fees for the alcohol and drug education traffic schools or to continue or to expand other alcohol and drug abuse services.
- (h) Area programs shall maintain records which indicate which individuals have paid for the traffic schools.
- (i) Pursuant to G.S. 20-179.2, area programs shall receive fees from either the person convicted or from the judiciary. The individual enrolled in the school shall pay the fee to the area program providing the school, except that if the clerk of court in the county in which the person is convicted agrees to collect the fees, the clerk shall collect all fees for persons convicted in that county. The clerk shall pay the fees collected to the area program serving the catchment area in which the clerk is located regardless of where the defendant attends the school.
- (j) Area programs receiving fees from the judiciary for individuals who will be enrolled in schools operated by other area programs shall transfer 80 percent of the fees received from the judiciary for those individuals to the area programs enrolling the individuals upon receipt of an invoice. The 80 percent shall be transferred to the area program providing the school regardless of whether the individual attends the school.
- (k) Area programs receiving fees directly from an individual who has been convicted in a county outside the area program's catchment area shall transfer 15 percent of the fees collected to the area program which serves the county where the individual was convicted upon receipt of an invoice from the area program serving the county where the conviction occurred. Any area program not desiring to collect the 15 percent from another area program is not required to invoice that program. A decision not to collect the 15 percent shall be approved by the area board and documented in the board minutes. An area program that does not desire to invoice another area program shall honor invoices presented to it from other area programs that desire to collect the 15 percent.
- (l) Five percent of all fees received by the area program pursuant to G.S. 20-179.2 shall be forwarded to the Department of Health and Human Services on a monthly basis. The area program that initially receives the fees from the persons paying the fees or from the judiciary system shall be responsible for transferring the 5 percent to the Department. Checks shall be made

payable to and sent to: Division of Mental Health, Developmental Disabilities and Substance Abuse Services, 3001 Mail Service Center, Raleigh, North Carolina 27699-3001.

(m) The amount of fees transferred to another area program or to the Division as indicated in (j) through (l) of this Rule shall be recorded in the accounting records to TRANSFER OF DUI FEES. Under no circumstances shall the transfer of fees be recorded as an operating expense in which the Division would participate.

*History Note:* Authority G.S. 20-179.2; 122C-143; 143B-10;  
Eff. April 21, 1980;  
Amended Eff. February 1, 1996; December 1, 1981; July 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 25, 2016.