

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1280
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Short Title: Dealer Plates/ Highway Changes.

(Public)

Sponsors:

Referred to:

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE MOTOR VEHICLE DEALERS LICENSED UNDER CHAPTER 20 OF THE GENERAL STATUTES TO USE DEALER REGISTRATION PLATES WHILE OPERATING A MOTOR VEHICLE FOR PERSONAL USE, TO MAKE TECHNICAL CHANGES TO LAWS AMENDED BY THE HIGHWAY BILL, AND TO MAKE OTHER CHANGES TO THE MOTOR VEHICLE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-79(d) reads as rewritten:

"(d) No manufacturer of or dealer in Dealer's license plates may be used on motor vehicles, trailers or semitrailers shall cause or permit any such vehicle owned by, or assigned to, duly licensed motor vehicle dealers of this State when such person or by any person in his employ, which is in the personal use of such person or employee, to be operated or moved upon a public on the highway s of this State by the dealer, corporate officers of the dealership, salespersons or full-time employees of the dealership, and any designated part-time employees of the dealership; with a 'dealer' plate attached to such vehicle provided, the vehicle is subject to the proof of financial responsibility requirements of Article 9A of this Chapter. A dealership owner who desires to use dealer's license plates as herein provided shall make application on a form provided by the Division of Motor Vehicles and pay the annual amount set in G.S. 20-87(7)."

Sec. 2. G.S. 20-87(7) reads as rewritten:

1 "(7) ~~Manufacturers and Motor Vehicle Dealers.—Manufacturers and dealers~~
2 ~~in motor vehicles, trailers and semitrailers for license and for one set of~~
3 ~~dealer's plates for each place of business licensed under Article 12 of~~
4 ~~Chapter 20 of the General Statutes shall pay the sum of thirty-eight~~
5 ~~dollars (\$38.00), and for each additional set of dealer's plates the sum~~
6 ~~of three dollars (\$3.00). vehicles shall pay a fee of one-half of the~~
7 ~~amount that would otherwise be payable under this section for each set~~
8 ~~of plates."~~

9 Sec. 3. G.S. 20-87(8) reads as rewritten:

10 "(8) ~~Driveaway Companies.— Any person, firm or corporation person~~
11 ~~engaged in the business of driving new motor vehicles from the place~~
12 ~~of manufacture to the place of sale in this State for compensation shall~~
13 ~~pay as a registration fee and for one set of plates one hundred twenty-eight~~
14 ~~dollars (\$128.00) and for each additional set of plates six dollars (\$6.00)—a~~
15 ~~fee of one-half of the amount that would otherwise be payable under~~
16 ~~this section for each set of plates."~~

17 Sec. 4. G.S. 105-164.4(a)(1b), as enacted by Section 3.3 of House Bill 399 of
18 the 1989 Session, reads as rewritten:

19 "(1b) At the rate of two percent (2%) of the sales price of each aircraft, boat,
20 railway car, or locomotive sold at retail, including all accessories
21 attached to the item when it is delivered to the purchaser—purchaser, not
22 to exceed one thousand five hundred dollars (\$1,500)."

23 Sec. 5. G.S. 20-88.01, as amended by Section 6.1 of House Bill 399 of the
24 1989 Session, reads as rewritten:

25 "**§ 20-88.01. Revocation of registration for failure to register for or comply with**
26 **road tax.**

27 The Secretary of Revenue may notify the Commissioner of those motor vehicles that
28 are registered or are required to be registered under Article 36B of Chapter 105 and as
29 ~~appropriate, whose owners or lessees—lessees, as appropriate,~~ are not in compliance with
30 Article 36A or 36B of Chapter 105. When notified, the Commissioner shall withhold or
31 revoke the registration plate for the vehicle."

32 Sec. 6. G.S. 136-176(a)(3), as enacted by Section 1.1 of House Bill 399 of
33 the 1989 Session, reads as rewritten:

34 "(3) Revenue from the certificate of title fee and other fees payable when a
35 ~~certificate of title is issued for a motor vehicle under G.S. 20-85."~~

36 Sec. 7. G.S. 136-17.2A(c), as enacted by Section 1.4 of House Bill 399 of the
37 1989 Session, is amended by redesignating subdivision (3) as subdivision (2).

38 Sec. 8. G.S. 105-174, as enacted by Section 4.1 of House Bill 399 of the
39 1989 Session, reads as rewritten:

40 "**§ 105-174. Penalties and remedies.**

41 (a) Penalties. The penalties that apply to a failure to pay State sales and use taxes
42 ~~apply to a failure to pay the tax levied by this Article~~ penalty for bad checks in G.S. 105-
43 236(1) applies to a check offered in payment of the tax imposed by this Article. In
44 addition, if a check offered to the Division in payment of the tax imposed by this Article

1 is returned unpaid and the tax for which the check was ~~offered~~ offered, plus the penalty
 2 imposed under G.S. 105-236(1), is not paid within 30 days after the Commissioner
 3 demands its payment, the Commissioner may revoke the registration plate of the vehicle
 4 for which a certificate of title was issued when the check was offered.

5 (b) Unpaid Taxes. The remedies for collection of taxes in G.S. 20-99 apply to the
 6 taxes levied by this Article and collected by the Commissioner.

7 (c) Appeals. A taxpayer who disagrees with the presumed value of a motor
 8 vehicle must pay the tax based on the presumed value, but may appeal the value to the
 9 Commissioner. A taxpayer who appeals the value must provide two estimates of the
 10 value of the vehicle to the Commissioner. If the Commissioner finds that the value of
 11 the vehicle is less than the presumed value of the vehicle, the Commissioner shall
 12 refund any overpayment of tax made by the taxpayer with interest at the rate specified
 13 in G.S. 105-241.1 from the date of the overpayment.

14 ~~In applying the provisions of Article 9 of this Chapter to the tax levied by this~~
 15 ~~Article, the Commissioner shall exercise the power conferred upon the Secretary. A~~
 16 ~~taxpayer who appeals the tax imposed by this Article shall appeal to the Commissioner~~
 17 ~~or the Commissioner's designee instead of to the Secretary."~~

18 Sec. 9. G.S. 105-170(a), as enacted by Section 4.1 of House Bill 399, reads
 19 as rewritten:

20 "(a) Full Exemptions. The tax imposed by this Article does not apply when a
 21 certificate of title is issued as the result of a transfer of a motor ~~vehicle~~ vehicle:

- 22 (1) To ~~to~~ the insurer of the motor vehicle under G.S. 20-109.1 because the
 23 vehicle is a salvage vehicle.
 24 (2) To either a manufacturer, as defined in G.S. 20-285, or a motor vehicle
 25 retailer for the purpose of resale."

26 Sec. 10. G.S. 105-170(b)(4), as enacted by Section 4.1 of House Bill 399,
 27 reads as rewritten:

28 "(4) ~~To one of the following for the purpose of resale:~~

29 a. ~~A motor vehicle retailer.~~

30 b. ~~A~~ secured party who has filed a security interest in the motor
 31 vehicle with the Department of the Secretary of State."

32 Sec. 11. G.S. 20-85(a), as amended by Section 2.1 of House Bill 399 of the
 33 1989 Session, is amended by adding a new subdivision to read:

34 "(9) Each application for certificate of title for a motor vehicle transferred
 35 to a manufacturer, as defined in G.S. 20-285, or a motor vehicle
 36 retailer for the purpose of resale..... 10.00."

37 Sec. 12. Section 8.3 of House Bill 399 of the 1989 Session is amended by
 38 adding a new sentence at the beginning of the section to read:

39 "Part II of this act shall become effective August 15, 1989."

40 Sec. 13. G.S. 105-167(b), as enacted by Section 4.1 of House Bill 399 of the
 41 1989 Session, is rewritten to read:

42 "(b) Retail Value. The retail value of a motor vehicle for which a certificate of
 43 title is issued because of a sale of the motor vehicle by a retailer is the sales price of the
 44 motor vehicle, including all accessories attached to the vehicle when it is delivered to

1 the purchaser, less the amount of any allowance given by the retailer for a motor vehicle
2 taken in trade as a partial payment for the purchased motor vehicle. The retail value of
3 a motor vehicle for which a certificate of title is issued because of a sale of the motor
4 vehicle by a seller who is not a retailer is the market value of the vehicle, value of the
5 ~~vehicle set in a schedule of values adopted by the Commissioner,~~ less the amount of any
6 allowance given by the seller for a motor vehicle taken in trade as a partial payment for
7 the purchased motor vehicle. The retail value of a motor vehicle for which a certificate
8 of title is issued because of a reason other than the sale of the motor vehicle is the
9 market value of the vehicle. The market value of a vehicle is presumed to be the
10 value of the vehicle set in a schedule of values adopted by the Commissioner."

11 Sec. 14. G.S. 136-44.8(a), as enacted by Section 1.18 of House Bill 399 of
12 the 1989 Session, is rewritten to read:

13 "(a) The Department of Transportation shall require that every contract for
14 construction or repair necessary to carry out the provisions of this Chapter shall contain
15 a provision requiring ~~that steel and cement used or supplied in the performance of the~~
16 ~~contract or any subcontract thereunder are produced in the United States~~ all steel, cement, and
17 aggregate products permanently incorporated into the construction or repair project be
18 produced in the United States."

19 Sec. 15. G.S. 136-44.8, as enacted by Section 1.18 of House Bill 399, is
20 amended by designating subsection (c) as subsection (d) and inserting a new subsection
21 (c) to read:

22 "(c) The Department of Transportation shall apply this section consistent with the
23 requirements in 23 C.F.R. § 635.410."

24 Sec. 16. G.S. 136-12(b), as amended by Section 1.3. of House Bill 399, 1989
25 Session, reads as rewritten:

26 "(b) At least ~~25~~ 30 days before it approves a Transportation Improvement Program
27 in accordance with G.S. 143B-350(f)(4) or approves interim changes to a Transportation
28 Improvement Program, the Department shall submit the proposed Transportation
29 Improvement Program or proposed interim changes to a Transportation Improvement
30 Program to the following members and staff of the General Assembly:

- 31 (1) The Speaker and the Speaker Pro Tempore of the House of
32 Representatives;
- 33 (2) The Lieutenant Governor and the President Pro Tempore of the
34 Senate;
- 35 (3) The Chairs of the House and Senate Appropriations Committees;
- 36 (4) Each member of the Joint Legislative Highway Oversight Committee;
37 and
- 38 (5) The Fiscal Research Division of the Legislative Services
39 Commission."

40 Sec. 17. Section 1 of this act shall become effective October 1, 1989, and
41 shall not affect pending litigation. Sections 2, 3, 4, 8, 9, 10, 11, and 13 shall become
42 effective October 1, 1989. Section 5 shall become effective January 1, 1990. Section
43 12 shall become effective August 1, 1989. The remaining sections are effective upon
44 ratification.