

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 909

Short Title: "Choose Life" Special Registration Plate. (Public)

Sponsors: Representatives Gillespie; Brown, Brubaker, Cleveland, Dollar, Folwell, Frye, Grady, Johnson, Justice, McGee, Pate, Starnes, Steen, Walker, West, and Wilson.

Referred to: Finance.

March 28, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A
"CHOOSE LIFE" SPECIAL REGISTRATION PLATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.4(b) is amended by adding a new subdivision to read:

"(b) Types. – The Division shall issue the following types of special registration plates:

...

(3q) 'Choose Life'. – Issuable to a registered owner of a motor vehicle in accordance with G. S. 20-81.12(b39). The plate shall bear the phrase 'Choose Life'."

SECTION 2. G.S. 20-79.7(a) reads as rewritten:

"(a) Fees. – Upon request, the Division shall provide and issue free of charge one registration plate to a recipient of the Congressional Medal of Honor, a 100% disabled veteran, and an ex-prisoner of war. All other special registration plates, including additional Congressional Medal of Honor, 100% Disabled Veteran, and Ex-Prisoner of War plates, are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
Crystal Coast	\$30.00
El Pueblo	\$30.00
Historical Attraction	\$30.00
HOMES4NC	\$30.00
In God We Trust	\$30.00
North Carolina 4-H Development Fund	\$30.00
Personalized	\$30.00

1	State Attraction	\$30.00
2	Buffalo Soldiers	\$25.00
3	<u>Choose Life</u>	<u>\$25.00</u>
4	Collegiate Insignia	\$25.00
5	Goodness Grows	\$25.00
6	High School Insignia	\$25.00
7	Kids First	\$25.00
8	Olympic Games	\$25.00
9	NC Agribusiness	\$25.00
10	NC Coastal Federation	\$25.00
11	Nurses	\$25.00
12	(Effective until June 30, 2006) Rocky Mountain	
13	Elk Foundation	\$25.00
14	Special Olympics	\$25.00
15	Surveyor Plate	\$25.00
16	The V Foundation for Cancer Research Division	\$25.00
17	University Health Systems of Eastern Carolina	\$25.00
18	Animal Lovers	\$20.00
19	Audubon North Carolina	\$20.00
20	Be Active NC	\$20.00
21	Daughters of the American Revolution	\$20.00
22	Ducks Unlimited	\$20.00
23	(Effective until June 30, 2006) First in Forestry	\$30.00
24	Harley Owners' Group	\$20.00
25	Litter Prevention	\$20.00
26	March of Dimes	\$20.00
27	Omega Psi Phi Fraternity	\$20.00
28	Save the Sea Turtles	\$20.00
29	Scenic Rivers	\$20.00
30	School Technology	\$20.00
31	Soil and Water Conservation	\$20.00
32	Special Forces Association	\$20.00
33	Support Public Schools	\$20.00
34	Wildlife Resources	\$20.00
35	Zeta Phi Beta Sorority	\$20.00
36	Active Member of the National Guard	None
37	100% Disabled Veteran	None
38	Ex-Prisoner of War	None
39	Legion of Valor	None
40	Purple Heart Recipient	None
41	Silver Star Recipient	None
42	All Other Special Plates	\$10.00."
43	SECTION 3. G.S. 20-79.7(b) reads as rewritten:	

"(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-77.7, and the Parks and Recreation Trust Fund, which is established under G.S. 113-44.15, as follows:

	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>	<u>PRTF</u>
<u>Special Plate</u>				
Animal Lovers	\$10	\$10	0	0
Audubon North Carolina	\$10	\$10	0	0
Be Active NC	\$10	\$10	0	0
Buffalo Soldiers	\$10	\$15	0	0
<u>Choose Life</u>	<u>\$10</u>	<u>\$15</u>	<u>0</u>	<u>0</u>
Crystal Coast	\$10	\$20	0	0
Daughters of the American Revolution	\$10	\$10	0	0
Ducks Unlimited	\$10	\$10	0	0
El Pueblo	\$10	\$20	0	0
First in Forestry	\$10	\$10	\$10	0
Goodness Grows	\$10	\$15	0	0
(Effective until June 30, 2006) Harley Owners' Group	\$10	\$10	0	0
High School Insignia	\$10	\$15	0	0
Historical Attraction	\$10	\$20	0	0
HOMES4NC	\$10	\$20	0	0
In God We Trust	\$10	\$20	0	0
In-State Collegiate Insignia	\$10	\$15	0	0
Kids First	\$10	\$15	0	0
Litter Prevention	\$10	\$10	0	0
March of Dimes	\$10	\$10	0	0
NC Agribusiness	\$10	\$15	0	0
NC Coastal Federation	\$10	\$15	0	0
NC 4-H Development Fund	\$10	\$20	0	0
Nurses	\$10	\$15	0	0
Olympic Games	\$10	\$15	0	0
Omega Psi Phi Fraternity	\$10	\$10	0	0
Out-of-state Collegiate Insignia	10	0	\$15	0
Personalized	\$10	0	\$15	\$5
(Effective until June 30, 2006) Rocky Mountain Elk Foundation	\$10	\$15	0	0
Save the Sea Turtles	\$10	\$10	0	0
Scenic Rivers	\$10	\$10	0	0
School Technology	\$10	\$10	0	0

1	Soil and Water Conservation	\$10	\$10	0	0
2	Special Forces Association	\$10	\$10	0	0
3	Special Olympics	\$10	\$15	0	0
4	State Attraction	\$10	\$20	0	0
5	Stock Car Racing Theme	\$10	\$20	0	0
6	Support Public Schools	\$10	\$10	0	0
7	Surveyor Plate	\$10	\$15	0	0
8	The V Foundation for				
9	Cancer Research	\$10	\$15	0	0
10	University Health Systems of				
11	Eastern Carolina	\$10	\$15	0	0
12	Wildlife Resources	\$10	\$10	0	0
13	Zeta Phi Beta Sorority	\$10	\$10	0	0
14	All other Special Plates	\$10	0	0	0."

15 **SECTION 4.** G.S. 20-81.12 is amended by adding a new subsection to read:
16 "(b39) 'Choose Life.' – The Division shall receive 300 or more applications for a
17 'Choose Life' plate before the plate may be developed. The Division shall transfer
18 quarterly the money in the Collegiate and Cultural Attraction Plate Account derived
19 from the sale of 'Choose Life' plates to the Crisis Pregnancy Center Fund established in
20 G.S. 108A-75."

21 **SECTION 5.** Article 3 of Chapter 108A of the General Statutes is amended
22 by adding a new section to read:

23 **"§ 108A-75. Crisis Pregnancy Fund.**

24 (a) There is established a fund to be known as the 'Crisis Pregnancy Fund' in the
25 Department of State Treasurer, which shall be funded by a portion of the special license
26 plate fee under G.S. 20-81.12. The money in the Fund shall be used by the Department
27 of Health and Human Services, Division of Social Services, for further distribution in
28 accordance with this section.

29 (b) The moneys in the "Crisis Pregnancy Fund" shall be distributed at the
30 beginning of each fiscal year to nongovernmental, not for profit agencies within the
31 county whose services include counseling and meeting the needs of pregnant women
32 within the state who are planning to place their children for adoption. Funds shall be
33 distributed to qualified agencies in each county in proportion to the number of
34 registrations and renewals under this Code section from the county. No qualified
35 organization may be discriminated against because it is religious or nonreligious. Funds
36 shall be distributed at the beginning of the fiscal year, equally among each qualified
37 agency with a place of business in the county which applies for funds and meets the
38 requirements of this Code section. If a qualified agency maintains a place of business in
39 more than one county, the agency shall be eligible to receive a pro rata share of the
40 funds distributed in each of those counties.

41 (c) If there is no qualified agency which applies to receive funds in a particular
42 county, the portion of the Choose Life Trust Fund that would have gone to that county
43 shall be distributed pro rata to qualified agencies that apply, which maintain a place of
44 business within a 100 mile radius of the county seat of such county. If no qualified

1 agencies apply, the funds shall be kept in an interest bearing trust fund until a qualified
2 agency under this Code section applies for the funds.

3 (d) Funds may not be distributed to any agency that is involved or associated
4 with abortion activities, including counseling for or referrals to abortion clinics,
5 providing medical abortion-related procedures, or pro-abortion advertising. Funds may
6 not be distributed to any agency that charges women for services received.

7 (e) Funds received shall be allocated by the qualified agency for the material
8 needs of pregnant women who are planning to place their children for adoption or
9 planning to parent their child, including clothing, housing, medical care, food, utilities,
10 and transportation and for such expenses for the infants while awaiting placement with
11 adoptive parents and the birth mother for a period of 90 days after the birth of the child.
12 Funds may also be used to enhance the qualified agency's adoption efforts through such
13 expenses as counseling, training, and advertising. These moneys may not be used for
14 administrative expenses, legal expenses, or capital expenditures.

15 (f) One year after an allocation to a qualified agency, any unused funds in excess
16 of ten percent (10%) of the allocation shall be returned to the County Choose Life Trust
17 Fund to be aggregated and redistributed with the next fiscal year distributions. No funds
18 may be distributed to agencies or organizations described in subsection (g) of the Code
19 section.

20 (g) A qualified agency must submit to the Division of Social Services an annual
21 audited financial statement by a certified public accountant of funds expended verifying
22 that the funds were used in the manner described in this Code section. This shall be the
23 only accounting requirement of the qualified agency to receive these funds. Failure to
24 comply with any provision of this Code section will render the agency ineligible for
25 further Choose Life funds until they shall come into full compliance and a second
26 violation shall render them permanently ineligible for further funds.

27 (h) In order to become a qualified agency to apply for and receive the funds
28 available through the "Crisis Pregnancy Fund", an agency must deliver to the Division
29 of Social Services an application certifying items in paragraphs (i) through (9) of this
30 subsection. Such application must contain an affidavit signed by a duly authorized
31 officer of the agency certifying under penalty of perjury that the information given in
32 the application is true and correct to the best of his or her knowledge and belief:

33 (1) The agency is a not for profit corporation;

34 (2) The agency does not discriminate because of race, marital status,
35 gender, religion, national origin, handicap, or age;

36 (3) The agency is committed to counseling and meeting the physical needs
37 of pregnant women who are committed to either raising their own
38 children or placing their children for adoption;

39 (4) The agency is not involved or associated with any abortion activities,
40 including counseling for or referrals to abortion clinics, providing
41 medical abortion-related procedures, or pro-abortion advertising;

42 (5) The agency does not charge women for services received;

43 (6) The agency agrees and understands that the funds can only be spent on
44 the material needs of pregnant women who are planning to place their

1 children for adoption or planning to parent their child, including
2 clothing, housing, medical care, food, utilities, and transportation and
3 for such expenses for the infants while awaiting placement with
4 adoptive parents and the birth mother for a period of 90 days after the
5 birth of the child. Funds may also be used to enhance the qualified
6 agency's adoption efforts through such expenses as counseling,
7 training, and advertising. These moneys may not be used for
8 administrative expenses, legal expenses, or capital expenditures;

9 (7) The agency understands and agrees that funds not used within one year
10 of allocation, that exceed ten percent (10%) of the allocation, must be
11 returned to the "Crisis Pregnancy Fund" to be aggregated and
12 redistributed with the next fiscal year distribution; and

13 (9) The agency agrees that it will submit to the Division of Social Services
14 an annual audited financial statement by a certified public accountant
15 of funds expended verifying the funds received were used in the
16 manner described in this Code section and that this shall be the only
17 accounting requirement for the qualified agency to receive these funds.
18 That failure to comply with any provision of this Code section will
19 render the agency ineligible for further choose life funds until they
20 shall come into full compliance and a second violation shall render
21 them permanently ineligible for further funds.

22 (i) There shall be no punitive measures required by this Code section except
23 those in Section 5, subsection (g).

24 (j) There shall be no additional requirements placed upon a qualified agency,
25 such as record keeping, record disclosure or additional insurance because they received
26 the Choose Life funds, except as necessary to meet the requirements of this Code
27 section.

28 **SECTION 6.** This act is effective when it becomes law.