

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1495*

Short Title: Wrecker Identification Act. (Public)

Sponsors: Senators Graham; Clodfelter, Dannelly, and Goodall.

Referred to: Commerce, Small Business and Entrepreneurship.

March 27, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL WRECKERS, AS DEFINED IN CHAPTER 20 OF THE
3 GENERAL STATUTES, TO BE REGISTERED WITH THE DIVISION OF
4 MOTOR VEHICLES AND HAVE ASSIGNED A SPECIAL IDENTIFICATION
5 NUMBER THAT SHALL BE DISPLAYED ON BOTH THE DRIVER AND
6 PASSENGER DOORS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Chapter 20 of the General Statutes is amended by adding a
9 new Article to read:

10 "Article 18.

11 "The Wrecker Identification Act.

12 **"§ 20-397. Application for a wrecker identification number.**

13 An owner of a wrecker subject to registration under this Chapter must apply to the
14 Division for a wrecker identification number and a registration card for the wrecker. To
15 apply, an owner must complete an application form provided by the Division. The
16 application form must request all of the following information and may request other
17 information the Division considers necessary:

18 (1) The owner's name.

19 (2) If the owner is an individual, the following information:

20 a. The owner's mailing address and residence address.

21 b. The owner's social security number.

22 (3) If the owner is a firm, a partnership, a corporation, or another entity,
23 the address of the entity.

24 (4) A description of the vehicle, including the make, model, type of body,
25 and vehicle identification number of the vehicle.

26 The application form must contain the disclosures concerning the request for an
27 applicant's social security number required by section 7 of the federal Privacy Act of
28 1974, Pub. L. No. 93-579. In accordance with 42 U.S.C. § 405(c)(2)(C)(v), the Division
29 may disclose a social security number obtained under this section only for the purpose

1 of administering the wrecker identification laws and may not disclose the social security
2 number for any other purpose. The social security number of a person who applies to
3 register a wrecker is therefore not a public record. A violation of the disclosure
4 restrictions is punishable as provided in 42 U.S.C. § 405(c)(2)(C)(vii).

5 **"§ 20-398. Authority for refusing to issue a wrecker identification number.**

6 The Division shall refuse to issue a wrecker identification number or any transfer of
7 such number upon any of the following grounds:

- 8 (1) The application contains a false or fraudulent statement, the applicant
9 has failed to furnish required information or reasonable additional
10 information requested by the Division, or the applicant is not entitled
11 to the issuance of a certificate of title or registration of the vehicle
12 under this Article.
- 13 (2) The vehicle is mechanically unfit or unsafe to be operated or moved
14 upon the highways.
- 15 (3) The Division has reasonable ground to believe that the vehicle is a
16 stolen or embezzled vehicle.
- 17 (4) The registration of the vehicle stands suspended or revoked for any
18 reason as provided in the motor vehicle laws of this State.
- 19 (5) The required fee has not been paid.
- 20 (6) The vehicle is not in compliance with the emissions inspection
21 requirements of Part 2 of Article 3A of this Chapter or a civil penalty
22 assessed as a result of the failure of the vehicle to comply with that
23 Part has not been paid.
- 24 (7) The Division has been notified that the motor vehicle has been seized
25 by a law enforcement officer and is subject to forfeiture pursuant to
26 G.S. 20-28.2, et seq., or any other statute. However, the Division shall
27 not prevent the renewal of an existing wrecker identification number
28 prior to an order of forfeiture.

29 **"§ 20-399. Wrecker identification number indexes.**

30 The Division shall file each application received, and when satisfied as to the
31 genuineness and regularity thereof, and that the applicant is entitled to the issuance of a
32 wrecker identification number, shall register the vehicle therein described and keep a
33 record thereof as follows:

- 34 (1) Under a distinctive identification number assigned to the vehicle;
- 35 (2) Alphabetically, under the name of the owner;
- 36 (3) Under the motor number or any other identifying number of the
37 vehicle; and
- 38 (4) In the discretion of the Division, in any other manner it may deem
39 advisable.

40 **"§ G.S. 20-400. Renewal of wrecker identification number.**

41 (a) Annual Renewal. – The identification number of a wrecker must be renewed
42 annually. To renew the identification number of a wrecker, the owner of the vehicle
43 must file an application with the Division and pay the required registration fee. The

1 Division may receive and grant an application for renewal of an identification number at
2 any time before the registration expires.

3 (b) Method of Renewal. – When the Division renews the identification number of
4 a wrecker, it must issue a new registration card for the vehicle. The Division may renew
5 an identification number for a wrecker by means of a renewal sticker.

6 (c) Renewal Stickers. – An identification number renewal sticker issued by the
7 Division must be displayed on the registration plate that it renews in the place
8 prescribed by the Commissioner and must indicate the period for which it is valid.

9 (d) When Renewal Sticker Expires. – The identification number of a wrecker that
10 is renewed by means of a renewal sticker expires at midnight on the last day of the
11 month designated on the sticker. It is lawful, however, to operate the vehicle on a
12 highway until midnight on the fifteenth day of the month following the month in which
13 the sticker expired.

14 The Division shall vary the expiration dates of identification number renewal
15 stickers issued for a wrecker so that the sticker expires on the same day as the renewal
16 sticker for the registration plate issued to the same vehicle.

17 **"§ 20-401. Notice of change of address or name.**

18 (a) Address. – A person whose address changes from the address stated on a
19 wrecker identification number registration card must notify the Division of the change
20 within 60 days after the change occurs. The person may obtain a duplicate registration
21 card stating the new address but is not required to do so. A person who does not move
22 but whose address changes due to governmental action may not be charged with
23 violating this subsection.

24 (b) Name. – A person whose name changes from the name stated on a wrecker
25 identification number registration card must notify the Division of the change within 60
26 days after the change occurs. The person may obtain a duplicate certificate registration
27 card but is not required to do so.

28 (c) Fee. – G.S. 20-85 sets the fee for a duplicate registration card.

29 **"§ 20-402. Replacement of lost or damaged identification number registration**
30 **cards.**

31 In the event any registration card is lost, mutilated, or becomes illegible, the owner
32 or legal representative of the owner of the vehicle for which the same was issued, as
33 shown by the records of the Division, shall immediately make application for and may
34 obtain a duplicate, substitute, or new registration card upon the applicant's furnishing,
35 under oath, information satisfactory to the Division and payment of required fee.

36 **"§ 20-403. Altering or forging a wrecker identification number, registration card,**
37 **or application, a felony.**

38 Any person who, with fraudulent intent, shall alter any registration card issued by
39 the Division, or any application for a registration card, or forge or counterfeit any
40 registration card purported to have been issued by the Division under the provisions of
41 this Article, or who shall hold or use any such registration card or application knowing
42 the same to have been altered, forged or falsified, shall be guilty of a felony and upon
43 conviction thereof shall be punished in the discretion of the court.

44 **"§ 20-404. Display of a wrecker identification number.**

1 The owner or operator of a wrecker required by this section to have an identification
2 number issued shall have such number prominently displayed on the front driver and
3 passenger doors and on the rear bumper the issued identification number in numbers
4 that are at least four inches tall. An owner or operator that fails to display an
5 identification number as required by this section shall be guilty of a Class 2
6 misdemeanor.

7 **§ 20-405. Fees.**

8 The fee for an initial wrecker identification number and the renewal of a wrecker
9 identification number shall be the same as is prescribed for a private passenger vehicle
10 in G.S. 20-87(5). The fee for a replacement identification number, the transfer of an
11 identification number, or a duplicate registration card shall be the same as is prescribed
12 in G.S. 20-85(a) for a replacement registration plate, transfer of a registration plate, and
13 a duplicate registration card. All fees collected under this section shall be credited to the
14 North Carolina Highway Fund."

15 **SECTION 2.** This act becomes effective December 1, 2007. Law
16 enforcement may not enforce this act until July 1, 2008.