

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 784

Short Title: License Plate Agency Contracting.

(Public)

Sponsors: Senators Hoyle and Goss.

Referred to: Judiciary I.

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO SUBMIT ALL CONTRACTS AND STANDARD OPERATING PROCEDURES TO THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE AND TO CREATE AN AFFIRMATIVE DEFENSE FOR A FAILURE TO POST INFORMATION BY A FORMER CONTRACT AGENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-63(h) reads as rewritten:

"(h) Commission Contracts for Issuance of Plates and Certificates. – All registration plates, registration certificates, and certificates of title issued by the Division, outside of those issued from the Charlotte and Raleigh offices of the Division and those issued and handled through the United States mail, shall be issued insofar as practicable and possible through commission contracts entered into by the Division for the issuance of the plates and certificates in localities throughout North Carolina with persons, firms, corporations or governmental subdivisions of the State of North Carolina. The Division shall make a reasonable effort in every locality, except as noted above, to enter into a commission contract for the issuance of the plates and certificates and a record of these efforts shall be maintained in the Division. All Division contracts and standard operating procedures shall be reported to the Joint Legislative Transportation Oversight Committee no later than January 1 of each year. In the event the Division is unsuccessful in making commission contracts, it shall issue the plates and certificates through the regular employees of the Division. Whenever registration plates, registration certificates, and certificates of title are issued by the Division through commission contract arrangements, the Division shall provide proper supervision of the distribution. Nothing contained in this subsection will allow or permit the operation of fewer outlets in any county in this State than are now being operated.

Commission contracts entered into by the Division under this subsection shall provide for the payment of compensation on a per transaction basis. The collection of the highway use tax shall be considered a separate transaction for which ~~one dollar and twenty-seven cents (\$1.27)~~ one dollar and seventy-three cents (\$1.73) compensation shall be paid. The performance at the same time of one or more of the remaining transactions listed in this subsection shall be considered a single transaction for which ~~one dollar and forty-three cents (\$1.43)~~ one dollar and ninety-six cents (\$1.96) compensation shall be paid.

A transaction is any of the following activities:

- (1) Issuance of a registration plate, a registration card, a registration renewal sticker, or a certificate of title.
- (2) Issuance of a handicapped placard or handicapped identification card.
- (3) Acceptance of an application for a personalized registration plate.



- 1 (4) Acceptance of a surrendered registration plate, registration card, or
2 registration renewal sticker, or acceptance of an affidavit stating why a
3 person cannot surrender a registration plate, registration card, or registration
4 renewal sticker.
5 (5) Cancellation of a title because the vehicle has been junked.
6 (6) Acceptance of an application for, or issuance of, a refund for a fee or a tax,
7 other than the highway use tax.
8 (7) Receipt of the civil penalty imposed by G.S. 20-311 for a lapse in financial
9 responsibility or receipt of the restoration fee imposed by that statute.
10 (8) Acceptance of a notice of failure to maintain financial responsibility for a
11 motor vehicle.
12 (8a) Collection of civil penalties imposed for violations of G.S. 20-183.8A.
13 (8b) Sale of one or more inspection stickers in a single transaction to a licensed
14 inspection station.
15 (9) Collection of the highway use tax.
16 (10) Acceptance of a temporary lien filing."

17 **SECTION 2.** G.S. 20-63(h2) reads as rewritten:

18 "(h2) Upon the closing of the only contract license plate agency in a county, the Division
19 shall as soon as practicable designate a temporary location for the issuance of all registration
20 plates, registration certificates, and certificates of title issued by the Division for that county.
21 The designation shall be posted at the former agency location for not less than 30 days and
22 shall include the street address and telephone number of the temporary location. A former
23 contract agent shall allow the posting of this required notice at the former location for a period
24 of not less than 30 days. A failure to comply with the posting requirements of this section by a
25 former contract agent shall be a Class 3 misdemeanor. It shall be a defense to a charge brought
26 pursuant to this subsection if the former contract agent could not post the required information
27 at the former location because the former contract agent does not have legal access to the
28 property to make the required posting."

29 **SECTION 3.** This act becomes effective December 1, 2009, and applies to
30 offenses committed on or after that date.