

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1404
Committee Substitute Favorable 6/1/05
Senate Judiciary I Committee Substitute Adopted 8/11/05
Fourth Edition Engrossed 8/12/05

Short Title: Seizure of Documents and Plates.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS TO SERVE
PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA
DIVISION OF MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-45 reads as rewritten:

"§ 20-45. Seizure of documents and plates.

(a) The Division is hereby authorized to take possession of any certificate of title, registration card, permit, license, or registration plate issued by it upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued, or which has been unlawfully used.

(b) ~~Nothing contained herein or elsewhere shall be construed to require the Division to take possession of any certificate of title, registration card permit, license, or registration plate which has expired, been revoked, canceled or suspended or which is fictitious or which has been unlawfully or erroneously issued, or which has been unlawfully used.~~ The Division may give notice to the owner, licensee or lessee of its authority to take possession of any ownership document, operator's license, or plate certificate of title, registration card, permit, license, or registration plate issued by it and require that person to surrender it to the Commissioner or his officers or agents. Any person who fails to surrender the ownership document, operator's license, or plate, certificate of title, registration card, permit, license, or registration plate or any duplicate thereof, upon personal service of notice or within 10 days after receipt of notice by ~~mail~~, mail as provided in G.S. 20-48, shall be guilty of a Class 2 misdemeanor.

(c) Any sworn law enforcement officer with jurisdiction is authorized to seize the certificate of title, registration card, permit, license, or registration plate, if the officer has electronic or other notification from the Division that the item has been revoked or

1 cancelled, or otherwise has probable cause to believe that the item has been revoked or
2 cancelled under any law or statute, including G.S. 20-309(e). If a criminal proceeding
3 relating to the item is pending, the law enforcement officer in possession of that item
4 shall retain the item pending the entry of a final judgment by a court with jurisdiction. If
5 there is no criminal proceeding pending, the law enforcement officer shall deliver the
6 item to the Division.

7 (d) Any law enforcement officer who seizes a registration plate pursuant to this
8 section shall report the seizure to the Division within 48 hours of the seizure."

9 **SECTION 2.** This act becomes effective December 1, 2005.