

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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**HOUSE BILL 135**  
**Committee Substitute Favorable 6/13/07**  
**Committee Substitute #2 Favorable 6/19/07**  
**Senate Finance Committee Substitute Adopted 6/28/07**

Short Title: Motorcycle Manufacturer Plates.

(Public)

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Sponsors:

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Referred to:

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February 8, 2007

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE  
2 DEALER PLATES WITH A SYMBOL NOTING THAT THE HOLDER IS A  
3 MANUFACTURER, TO EXEMPT MANUFACTURERS FROM THE  
4 RESTRICTIONS ON THE NUMBER OF DEALER PLATES THAT MAY BE  
5 ISSUED TO THEM, AND TO CLARIFY THAT THE DIVISION MAY ISSUE A  
6 DEALER PLATE IN A SUITABLY REDUCED SIZE FOR MOTORCYCLE  
7 DEALERS AND MANUFACTURERS.  
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 20-79 reads as rewritten:

11 "**§ 20-79. Dealer license plates.**

12 (a) How to Get a Dealer Plate. – The Division may issue a person ~~A dealer~~  
13 licensed under Article 12 of this Chapter the appropriate classification of dealer license  
14 plate. A person eligible for a dealer license plate may obtain a dealer license plate one  
15 by filing an application with the Division and paying the required fee. An application  
16 must be filed on a form provided by the Division. The required fee is the amount set by  
17 G.S. 20-87(7).

18 (b) Number of Plates. – A dealer who was licensed under Article 12 of this  
19 Chapter for the previous 12-month period ending December 31 may obtain the number  
20 of dealer license plates allowed by the following table; the number allowed is based on  
21 the number of motor vehicles the dealer sold during the relevant 12-month period and  
22 the average number of qualifying sales representatives the dealer employed during that  
23 same 12-month period:

<u>Vehicles Sold In Relevant</u>	<u>Maximum Number of Plates</u>
<u>12-Month Period</u>	
Fewer than 12	1
At least 12 but less than 25	4

1	At least 25 but less than 37	5
2	At least 37 but less than 49	6
3	49 or more	At least 6, but no more than 4 times the
4		average number of qualifying sales
5		representatives employed by the dealer during
6		the relevant 12-month period.

7 A dealer who was not licensed under Article 12 of this Chapter for part or all of the  
8 previous 12-month period ending December 31 may obtain the number of dealer license  
9 plates that equals four times the number of qualifying sales representatives employed by  
10 the dealer on the date the dealer files the application. A "qualifying sales representative"  
11 is a sales representative who works for the dealer at least 25 hours a week on a regular  
12 basis and is compensated by the dealer for this work.

13 A dealer who sold fewer than 49 motor vehicles the previous 12-month period  
14 ending December 31 but has sold at least that number since January 1 may apply for  
15 additional dealer license plates at any time. The maximum number of dealer license  
16 plates the dealer may obtain is the number the dealer could have obtained if the dealer  
17 had sold at least 49 motor vehicles in the previous 12-month period ending December  
18 31.

19 A dealer who applies for a dealer license plate must certify to the Division the  
20 number of motor vehicles the dealer sold in the relevant period. Making a material  
21 misstatement in an application for a dealer license plate is grounds for the denial,  
22 suspension, or revocation of a dealer's license under G.S. 20-294.

23 A dealer engaged in the alteration and sale of specialty vehicles may apply for up to  
24 two dealer plates in addition to the number of dealer plates that the dealer would  
25 otherwise be entitled to under this section.

26 This subsection does not apply to manufacturers licensed under Article 12 of this  
27 Chapter.

28 (c) Form and Duration. – A dealer license plate is subject to G.S. 20-63, except  
29 for the requirement that the plate display the registration number of a motor vehicle and  
30 the requirement that the plate be a "First in Flight" plate. ~~In addition, a~~ A dealer license  
31 plate must have a distinguishing symbol identifying the plate as a dealer license plate.  
32 The symbol may vary depending upon the classification of dealer license plate issued.  
33 The Division must provide suitably reduced sized license plates for motorcycle dealers  
34 and manufacturers.

35 A dealer license plate is issued for a period of one year. The Division shall vary the  
36 expiration dates of dealer registration renewals so that an approximately equal number  
37 expires at the end of each month, quarter, or other period consisting of one or more  
38 months. ~~A dealer may transfer a~~ dealer license plate may be transferred from one  
39 vehicle to another. When the Division issues a dealer plate, it may issue a registration  
40 that expires at the end of any monthly interval. When one of the following occurs, a  
41 dealer must surrender to the Division all dealer license plates issued to the dealer:

- 42 (1) The dealer surrenders the license issued to the dealer under Article 12
- 43 of this Chapter.

1 (2) The Division suspends or revokes the license issued to the dealer under  
2 Article 12 of this Chapter.

3 (3) The Division rescinds the dealer license plates because of a violation  
4 of the restrictions on the use of a dealer license plate.

5 To obtain a dealer license plate after it has been surrendered, the dealer must file a  
6 new application for a dealer license plate and pay the required fee for the plate.

7 (d) Restrictions on Use. – A dealer license plate may be displayed only on a  
8 motor vehicle that meets all of the following requirements:

9 (1) Is part of the inventory of the dealer.

10 (2) Is not consigned to the dealer.

11 (3) Is covered by liability insurance that meets the requirements of Article  
12 9A of this Chapter.

13 (4) Is not used by the dealer in another business in which the dealer is  
14 engaged.

15 (5) Is driven on a highway by a person who carries a copy of the  
16 registration card for the dealer plates issued to the dealer while driving  
17 the motor vehicle and who meets one of the following descriptions:

18 a. Has a demonstration permit to test-drive the motor vehicle and  
19 carries the demonstration permit while driving the motor  
20 vehicle.

21 b. Is an officer or sales representative of the dealer and is driving  
22 the vehicle for a business purpose of the dealer.

23 c. Is an employee of the dealer and is driving the vehicle in the  
24 course of employment.

25 A dealer may issue a demonstration permit for a motor vehicle to a person licensed  
26 to drive that type of motor vehicle. A demonstration permit authorizes each person  
27 named in the permit to drive the motor vehicle described in the permit for up to 96  
28 hours after the time the permit is issued. A dealer may, for good cause, renew a  
29 demonstration permit for one additional 96-hour period.

30 A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the  
31 disposal of a person except as authorized by this subsection.

32 (e) Sanctions. – The following sanctions apply when a motor vehicle displaying a  
33 dealer license plate is driven in violation of the restrictions on the use of the plate:

34 (1) The individual driving the motor vehicle is responsible for an  
35 infraction and is subject to a penalty of fifty dollars (\$50.00).

36 (2) The dealer to whom the plate is issued is subject to a civil penalty  
37 imposed by the Division of two hundred dollars (\$200.00).

38 (3) The Division may rescind all dealer license plates issued to the dealer  
39 whose plate was displayed on the motor vehicle.

40 A penalty imposed under subdivision (1) of this subsection is payable to the county  
41 where the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under  
42 subdivision (2) of this subsection shall be credited to the Highway Fund as nontax  
43 revenue.

1 (f) Transfer of Dealer Registration. – No change in the name of a firm,  
2 partnership or corporation, nor the taking in of a new partner, nor the withdrawal of one  
3 or more of the firm, shall be considered a new business; but if any one or more of the  
4 partners remain in the firm, or if there is change in ownership of less than a majority of  
5 the stock, if a corporation, the business shall be regarded as continuing and the dealers'  
6 plates originally issued may continue to be used.

7 (g) Penalties. – The clear proceeds of all civil penalties, civil forfeitures, and civil  
8 fines that are collected by the Department of Transportation pursuant to this section  
9 shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with  
10 G.S. 115C-457.2.

11 (h) Definition. – For purposes of this section, the term 'dealer' means a person  
12 who is licensed under Article 12 of this Chapter."

13 **SECTION 2.** This act becomes effective July 1, 2007.