

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 759

Short Title: DOT Maintenance Program/DMV Registration.-AB (Public)

Sponsors: Representatives Carney; and Alexander.

Referred to: Transportation.

March 15, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO DEVELOP PERFORMANCE STANDARDS FOR THE DEPARTMENT
3 OF TRANSPORTATION AND TO MODIFY MOTOR VEHICLE
4 REGISTRATION REQUIREMENTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 136-44.3 reads as rewritten:

7 "**§ 136-44.3. Maintenance program.**

8 The Department shall establish performance standards for the maintenance and
9 operation of the State highway system. In each even-numbered year, the Department of
10 Transportation shall survey the condition of the State highway system and shall prepare
11 a report of the findings of the survey. The report shall provide both quantitative and
12 qualitative descriptions of the condition of the system and shall provide estimates of the
13 following:

- 14 (1) The annual cost of routine maintenance of the State highway system; to
15 meet and sustain the established performance standards for the primary
16 and secondary highway system, to include: (i) routine maintenance and
17 operations, (ii) system preservation, and (iii) pavement and bridge
18 rehabilitation.
- 19 (2) The cost of eliminating any maintenance backlog by categories of
20 maintenance requirements;
- 21 (2a) Projected system condition and corresponding optimal funding
22 requirements for a seven-year plan to sustain established performance
23 standards.
- 24 (3) The annual cost to resurface the State highway system based upon a
25 12-year repaving cycle for the primary system and a 15-year cycle for
26 other highways; and
- 27 (4) The cost of eliminating any resurfacing backlog, by type of system.

28 On the basis of the report, report and from funds available, the Department of
29 Transportation shall develop a statewide annual maintenance program for the State

1 highway system, which shall be subject to the approval of the Board of Transportation
2 and shall take into consideration the general maintenance needs, special maintenance
3 needs, vehicular traffic, and other factors deemed pertinent. is consistent with
4 performance standards.

5 ~~Each division engineer, at the end of the fiscal year, shall certify the maintenance of~~
6 ~~highways in his division in accordance with the annual work program, along with an~~
7 ~~explanation for any deviations.~~

8 The report on the condition of the State highway system and ~~the annual maintenance~~
9 ~~program funding needs~~ shall be presented to the Joint Legislative Transportation
10 Oversight Committee by ~~November 30~~ December 31 of each even-numbered year, and
11 copies shall be made available to any member of the General Assembly upon request."

12 **SECTION 2.** G.S. 136-33.2 is repealed.

13 **SECTION 3.** Chapter 136 of the General Statutes is amended by adding a
14 new section to read:

15 **"§ 136-33.2A. Signs marking beginning of reduced speed zones.**

16 If a need to reduce speed in a speed zone is determined to exist by an engineer of the
17 Department, there shall be a sign erected, of adequate size, at least 600 feet in advance
18 of the beginning of any speed zone established by any agency of the State authorized to
19 establish the same, which shall indicate a change in the speed limit."

20 **SECTION 4.** G.S. 20-52(a) reads as rewritten:

21 "(a) An owner of a vehicle subject to registration must apply to the Division for a
22 certificate of title, a registration plate, and a registration card for the vehicle. To apply,
23 an owner must complete an application form provided by the Division. The application
24 form must request all of the following information and may request other information
25 the Division considers necessary:

26 (1) The owner's name.

27 (1a) If the owner is an individual, the following information:

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

29 b. The owner's ~~social security number~~. North Carolina drivers
30 license number or North Carolina special identification card.

31 (1b) If the owner is a firm, a partnership, a corporation, or another entity,
32 the address of the entity.

33 (2) A description of the vehicle, including the following:

34 a. The make, model, type of body, and vehicle identification
35 number of the vehicle.

36 b. Whether the vehicle is new or used and, if a new vehicle, the
37 date the manufacturer or dealer sold the vehicle to the owner
38 and the date the manufacturer or dealer delivered the vehicle to
39 the owner.

40 (3) A statement of the owner's title and of all liens upon the vehicle,
41 including the names and addresses of all lienholders in the order of
42 their priority, and the date and nature of each lien.

43 The application form must contain the disclosures concerning the request for an
44 applicant's social security number required by section 7 of the federal Privacy Act of

1 1974, Pub. L. No. 93-579. In accordance with 42 U.S.C. 405(c)(2)(C)(v), the Division
2 may disclose a social security number obtained under this subsection only for the
3 purpose of administering the motor vehicle registration laws and may not disclose the
4 social security number for any other purpose. The social security number of a person
5 who applies to register a vehicle or of a person in whose name a vehicle is registered is
6 therefore not a public record. A violation of the disclosure restrictions is punishable as
7 provided in 42 U.S.C. 405(c)(2)(C)(vii)."

8 **SECTION 5.** G.S. 20-54 reads as rewritten:

9 **"§ 20-54. Authority for refusing registration or certificate of title.**

10 The Division shall refuse registration or issuance of a certificate of title or any
11 transfer of registration upon any of the following grounds:

- 12 (1) The application contains a false or fraudulent statement, the applicant
13 has failed to furnish required information or reasonable additional
14 information requested by the Division, or the applicant is not entitled
15 to the issuance of a certificate of title or registration of the vehicle
16 under this Article.
- 17 (2) The vehicle is mechanically unfit or unsafe to be operated or moved
18 upon the highways.
- 19 (3) The Division has reasonable ground to believe that the vehicle is a
20 stolen or embezzled vehicle, or that the granting of registration or the
21 issuance of a certificate of title would constitute a fraud against the
22 rightful owner or another person who has a valid lien against the
23 vehicle.
- 24 (4) The registration of the vehicle stands suspended or revoked for any
25 reason as provided in the motor vehicle laws of this ~~State~~State, ~~except~~
26 in such cases to abide by the ignition interlock installation
27 requirements of G.S. 20-17-8.
- 28 (5) The required fee has not been ~~paid~~paid, including any additional
29 registration fees or taxes due pursuant to G.S. 20-91(c).
- 30 (6) The vehicle is not in compliance with the emissions inspection
31 requirements of Part 2 of Article 3A of this Chapter or a civil penalty
32 assessed as a result of the failure of the vehicle to comply with that
33 Part has not been paid.
- 34 (7) The Division has been notified that the motor vehicle has been seized
35 by a law enforcement officer and is subject to forfeiture pursuant to
36 G.S. 20-28.2, et seq., or any other statute. However, the Division shall
37 not prevent the renewal of existing registration prior to an order of
38 forfeiture.
- 39 (8) The vehicle is a golf cart or utility vehicle.
- 40 (9) The applicant motor carrier is subject to an order issued by the Federal
41 Motor Carrier Safety Administration or the Division to cease all
42 operations based on a finding that the continued operations of the
43 motor carrier pose an "imminent hazard" as defined in 49 C.F.R. §
44 386.72(b)(1)."

1 **SECTION 6.** G.S. 20-54.1(a) reads as rewritten:

2 "(a) Upon receipt of notice of conviction of a violation of an offense involving
3 impaired driving while the person's license is revoked as a result of a prior impaired
4 driving license revocation as defined in G.S. 20-28.2, the Division shall revoke the
5 registration of all motor vehicles registered in the convicted person's name and shall not
6 register a motor vehicle in the convicted person's name until the convicted person's
7 license is ~~restored.~~ restored, except in such cases to abide by the ignition interlock
8 installation requirements of G.S. 20-17-8. Upon receipt of notice of revocation of
9 registration from the Division, the convicted person shall surrender the registration on
10 all motor vehicles registered in the convicted person's name to the Division within 10
11 days of the date of the notice."

12 **SECTION 7.** G.S. 20-91(c) reads as rewritten:

13 "(c) If an audit is conducted and it becomes necessary to assess the registrant for
14 deficiencies in registration fees or taxes due based on the audit, the assessment will be
15 determined based on the schedule of rates prescribed for that registration year, adding
16 thereto and as a part thereof an amount equal to five percent (5%) of the tax to be
17 collected. If, during an audit, it is determined that:

- 18 (1) A registrant failed or refused to make acceptable records available for
19 audit as provided by law; or
20 (2) A registrant misrepresented, falsified or concealed records, then all
21 plates and cab cards shall be deemed to have been issued erroneously
22 and are subject to cancellation. The Commissioner, based on
23 information provided by the Department of Revenue audit, may assess
24 the registrant for an additional percentage up to one hundred percent
25 (100%) North Carolina registration fees at the rate prescribed for that
26 registration year, adding thereto and as a part thereof an amount equal
27 to five percent (5%) of the tax to be collected. The Commissioner may
28 cancel all registration and reciprocal privileges.

29 As a result of an audit, no assessment shall be issued and no claim for refund shall
30 be allowed which is in an amount of less than ten dollars (\$10.00).

31 The results of any audit conducted under this section shall be provided to the
32 Division. The notice of any assessments shall be sent by the Division to the registrant by
33 registered or certified mail at the address of the registrant as it appears in the records of
34 the Division of Motor Vehicles in Raleigh. The notice, when sent in accordance with the
35 requirements indicated above, will be sufficient regardless of whether or not it was ever
36 received.

37 The failure of any registrant to pay any additional registration fees or tax within 30
38 days after the billing date, shall constitute cause for revocation of registration license
39 plates, cab cards and reciprocal ~~privileges.~~ privileges, or shall constitute cause for the
40 denial of registration of a vehicle registered through the International Registration Plan
41 or a vehicle no longer registered through the International Registration Plan."

42 **SECTION 8.** This act becomes effective July 1, 2007.