

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 855

Short Title: License Plate Agency Clarification. (Public)

Sponsors: Representatives Sutton, Cole, McComas (Primary Sponsors); K. Alexander, Faison, Tolson, Wilkins, and Wray.

Referred to: Transportation, if favorable, Finance.

March 30, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE REQUIREMENTS OF CONTRACTS ENTERED INTO BY
3 THE DIVISION OF MOTOR VEHICLES FOR THE PURPOSES OF ISSUING LICENSE
4 PLATES THROUGH PRIVATE OR LOCAL GOVERNMENT ENTITIES.

5 The General Assembly of North Carolina enacts:

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

7 "(h) Commission Contracts for Issuance of Plates and Certificates. – All registration
8 plates, registration certificates, and certificates of title issued by the Division, outside of those
9 issued from the Charlotte and Raleigh offices of the Division and those issued and handled
10 through the United States mail, shall be issued insofar as practicable and possible through
11 commission contracts entered into by the Division for the issuance of the plates and certificates
12 in localities throughout North Carolina with persons, firms, corporations or governmental
13 subdivisions of the State of North Carolina. The Division shall make a reasonable effort in
14 every locality, except as noted above, to enter into a commission contract for the issuance of
15 the plates and certificates and a record of these efforts shall be maintained in the Division. In
16 the event the Division is unsuccessful in making commission contracts, it shall issue the plates
17 and certificates through the regular employees of the ~~Division~~ Division, provided the Division
18 shall not open any new commission contract locations or utilize any Division mobile units,
19 within 10 miles of a private contract location for which a contract was executed on or before
20 July 1, 2008. Whenever registration plates, registration certificates, and certificates of title are
21 issued by the Division through commission contract arrangements, the Division shall provide
22 proper supervision of the distribution. Nothing contained in this subsection will allow or permit
23 the operation of fewer outlets in any county in this State than are now being ~~operated~~ operated
24 except that no less than 105 nongovernmental private commission contracts shall remain in
25 effect throughout the State.

26 When the Division enters into a contract with a person, firm, corporation, other legal entity,
27 or a governmental subdivision of this State, the Division shall provide, at no cost to the
28 commission contractor, all inventory, forms, computer hardware and software, computer lines,
29 and supplies.

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

36 A transaction is any of the following activities:



- 1 (1) Issuance of a registration plate, a registration card, a registration renewal
2 sticker, or a certificate of title.
- 3 (2) Issuance of a handicapped placard or handicapped identification card.
- 4 (3) Acceptance of an application for a personalized registration plate.
- 5 (4) Acceptance of a surrendered registration plate, registration card, or
6 registration renewal sticker, or acceptance of an affidavit stating why a
7 person cannot surrender a registration plate, registration card, or registration
8 renewal sticker.
- 9 (5) Cancellation of a title because the vehicle has been junked.
- 10 (6) Acceptance of an application for, or issuance of, a refund for a fee or a tax,
11 other than the highway use tax.
- 12 (7) Receipt of the civil penalty imposed by G.S. 20-311 for a lapse in financial
13 responsibility or receipt of the restoration fee imposed by that statute.
- 14 (8) Acceptance of a notice of failure to maintain financial responsibility for a
15 motor vehicle.
- 16 (8a) Collection of civil penalties imposed for violations of G.S. 20-183.8A.
- 17 (8b) Sale of one or more inspection stickers in a single transaction to a licensed
18 inspection station.
- 19 (9) Collection of the highway use tax.
- 20 (10) Acceptance of a temporary lien filing."

21 **SECTION 2.** G.S. 20-63 is amended by adding a new subsection to read:

22 "(h2) All commission contractors and their designated employees shall be commissioned
23 as notaries public by the Secretary of State's office. If a commission contractor or the
24 contractor's employee notarizes a document required to be notarized by law or by the Division,
25 the fees for such notarial acts shall be those prescribed in G.S. 10B-31 for the first signature
26 and one dollar (\$1.00) for each additional signature, up to a total of seven dollars (\$7.00), and
27 shall be retained by the commission contractor as part of the consideration allowed pursuant to
28 the commission contract."

29 **SECTION 3.** This act becomes effective October 1, 2009.