

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 861
PROPOSED COMMITTEE SUBSTITUTE H861-PCS50660-SU-25

Short Title: Create New Titling Categories.

(Public)

Sponsors:

Referred to:

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICA VEHICLES, STREET RODS, AND CUSTOM VEHICLES AND TO MAKE CORRESPONDING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(43) reads as rewritten:

"(43) Specially Constructed Vehicles. – ~~Vehicles of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from their original construction.~~ Motor vehicles, excluding motorcycles, that may be registered under this Chapter and that fit within one of the following categories:

- a. Replica vehicle. – A vehicle originally sold unassembled and manufactured from a kit, which when assembled replicates an earlier year, make, and model vehicle.
- b. Street rod vehicle. – A vehicle manufactured prior to 1949, which has been modernized from the manufacturer's original design or has a body constructed from nonoriginal materials and for which the owner seeks a street rod registration classification.
- c. Custom vehicle. – A vehicle manufactured on or after 1949 and that is 25 years old or older, which has been modernized from the manufacturer's original design or has a body constructed from nonoriginal materials and for which the owner seeks a custom vehicle registration classification.

Unless the presence of specific equipment was required by State law as a condition of sale in the model year listed on the certificate of title, the presence of the equipment is not required for the operation of a specially constructed vehicle. Specially constructed vehicles are exempt from any provision of State law that requires periodic vehicle inspections or the use and inspection of emission controls."

SECTION 2. Part 3 of Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-53.1. Specially constructed vehicle certificate of title and registration.



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1 Specially constructed vehicles shall be titled in the following manner:

- 2 (1) Replica vehicles shall be titled as the year, make, and model of the vehicle
3 intended to be replicated. A label of "Replica" shall be applied to the title
4 and registration card. All replica vehicle titles shall be branded "Specially
5 Constructed Vehicle."
- 6 (2) The model year of a street rod vehicle shall continue to be recognized as the
7 manufacturer's assigned model year. The manufacturer's name shall continue
8 to be used as the make with a label of "Street Rod" applied to the title and
9 registration card. All street rod vehicle titles shall be branded "Specially
10 Constructed Vehicle."
- 11 (3) The model year of a custom vehicle shall continue to be recognized as the
12 manufacturer's assigned model year. The manufacturer's name shall continue
13 to be used as the make with the label of "Custom" applied to the title and
14 registration card. All custom vehicle titles shall be branded "Specially
15 Constructed Vehicle."

16 **SECTION 3.** G.S. 20-54 reads as rewritten:

17 **"§ 20-54. Authority for refusing registration or certificate of title.**

18 (a) The Division shall refuse registration or issuance of a certificate of title or any
19 transfer of registration upon any of the following grounds:

- 20 (1) The application contains a false or fraudulent statement, the applicant has
21 failed to furnish required information or reasonable additional information
22 requested by the Division, or the applicant is not entitled to the issuance of a
23 certificate of title or registration of the vehicle under this Article.
- 24 (2) The vehicle is mechanically unfit or unsafe to be operated or moved upon
25 the highways.
- 26 (3) The Division has reasonable ground to believe that the vehicle is a stolen or
27 embezzled vehicle, or that the granting of registration or the issuance of a
28 certificate of title would constitute a fraud against the rightful owner or
29 another person who has a valid lien against the vehicle.
- 30 (4) The registration of the vehicle stands suspended or revoked for any reason as
31 provided in the motor vehicle laws of this State, except in such cases to
32 abide by the ignition interlock installation requirements of G.S. 20-17.8.
- 33 (5) The required fee has not been paid, including any additional registration fees
34 or taxes due pursuant to G.S. 20-91(c).
- 35 (6) The vehicle is not in compliance with the emissions inspection requirements
36 of Part 2 of Article 3A of this Chapter or a civil penalty assessed as a result
37 of the failure of the vehicle to comply with that Part has not been paid.
- 38 (7) The Division has been notified that the motor vehicle has been seized by a
39 law enforcement officer and is subject to forfeiture pursuant to G.S. 20-28.2,
40 et seq., or any other statute. However, the Division shall not prevent the
41 renewal of existing registration prior to an order of forfeiture.
- 42 (8) The vehicle is a golf cart or utility vehicle.
- 43 (9) The applicant motor carrier is subject to an order issued by the Federal
44 Motor Carrier Safety Administration or the Division to cease all operations
45 based on a finding that the continued operations of the motor carrier pose an
46 "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).
- 47 (10) **(Effective January 1, 2011)** The North Carolina Turnpike Authority has
48 notified the Division that the owner of the vehicle has not paid the amount of
49 tolls, fees, and civil penalties the owner owes the Authority for use of a
50 Turnpike project.

1 **(b)** For specially constructed vehicles or vehicles originally built by a generally
2 recognized manufacturer, certificates of title and registration shall not be denied or delayed on
3 the grounds that the originating title is from out-of-state, the vehicle is of a certain age, or the
4 vehicle has not been first inspected by a representative of the Division unless there is some
5 probable cause to believe an individual vehicle has some issue particular to it that justifies an
6 inspection before title and registration are issued."

7 **SECTION 4.** G.S. 20-70 is amended by adding a new subsection to read:

8 **"(c)** The notification and registration requirements contained in subsections (a) and (b)
9 of this section regarding an engine change shall only be required if the motor vehicle into
10 which a new engine is installed uses an engine number as the sole means to identify the
11 vehicle."

12 **SECTION 5.** Sections 1 and 2 of this act become effective October 1, 2009, and
13 apply to applications received by the Division of Motor Vehicles on or after that date. The
14 remainder of this act is effective when it becomes law.