

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 744

AMENDMENT NO. A17
(to be filled in by
Principal Clerk)

S744-AML-14 [v.4]

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Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Date _____, 2014

Senator Brown

1 Moves to amend the bill on page 262, lines 32 and 33, by rewriting those lines to read:

2 "SECTION 36.7.(b) Section 11.10(b) of S.L. 2013-360, as amended by Section
3 3.12 of S.L. 2013-363, reads as rewritten:

4 "SECTION 11.10.(b) ~~This section expires June 30, 2015.~~ Subsection (d) of Section 9.10
5 of S.L. 2012-142 is repealed.";

6
7 And on page 229, line 42, to page 230, line 32, by rewriting the lines to read:

8 "**HIGHWAY USE TAX AND FUEL EXCISE TAX CHANGES**

9 SECTION 34.6.(a) Section 34.29 of S.L. 2013-360, as amended by Section 8.1 of
10 S.L. 2013-363, and Section 6.1.(g) of S.L. 2014-3 is repealed.

11 SECTION 34.6.(b) G.S. 105-187.3 reads as rewritten:

12 "§ 105-187.3. Rate of tax.

13 (a) ~~Amount.~~ Tax Rate. – The ~~rate of the use tax~~ imposed by this Article is applied to the
14 sum of three percent (3%) of the retail value of a motor vehicle for which a certificate of title is
15 issued. ~~issued and any fee regulated by G.S. 20-101.1. The tax does not apply to the sales price~~
16 of a service contract. The sales price of a service contract is subject to the sales tax imposed
17 under Article 5 of this Chapter.

18 (a1) ~~Rate. -- The tax rate is three percent (3%). is payable as provided in G.S.~~
19 ~~105-187.4.~~ The maximum tax is one thousand dollars (\$1,000) for each certificate of title
20 issued for a Class A or Class B motor vehicle that is a commercial motor vehicle, as defined in
21 G.S. 20-4.01. The maximum tax is one thousand five hundred dollars (\$1,500) for each
22 certificate of title issued for a recreational vehicle that is not subject to the one thousand dollar
23 (\$1,000) maximum tax. The tax is payable as provided in G.S. 105-187.4.

24 "...."

25 SECTION 34.6.(c) G.S. 105-187.3, as amended by subsection (b) of this section,
26 reads as rewritten:

27 "§ 105-187.3. Rate of tax.

28 (a) Tax Rate. – The tax imposed by this Article is applied to the sum of the retail value
29 of a motor vehicle for which a certificate of title is issued and any fee regulated by G.S. 20-
30 101.1. The tax does not apply to the sales price of a service contract. The sales price of a
31 service contract is subject to the sales tax imposed under Article 5 of this Chapter.



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(a1) Rate. -- The tax rate is three percent (3%). The maximum tax is ~~one two thousand~~ dollars (\$1,000)(\$2,000) for each certificate of title issued for a Class A or Class B motor vehicle that is a commercial motor vehicle, as defined in G.S. 20-4.01. The maximum tax is ~~one two thousand five hundred dollars (\$1,500)(\$2,000)~~ for each certificate of title issued for a recreational vehicle that is not subject to the ~~one thousand dollar (\$1,000) maximum tax, commercial vehicle tax imposed by this section.~~ The tax is payable as provided in G.S. 105-187.4.

...."

SECTION 34.6.(d) G.S. 105-187.3, as amended by subsection (c) of this section, reads as rewritten:

"§ 105-187.3. Rate of tax.

(a) Tax Rate. – The tax imposed by this Article is applied to the sum of the retail value of a motor vehicle for which a certificate of title is issued and any fee regulated by G.S. 20-101.1. The tax does not apply to the sales price of a service contract. The sales price of a service contract is subject to the sales tax imposed under Article 5 of this Chapter.

(a1) Rate. -- The tax rate is three percent (3%). The maximum tax is ~~two three thousand~~ dollars (\$2,000)(\$3,000) for each certificate of title issued for a Class A or Class B motor vehicle that is a commercial motor vehicle, as defined in G.S. 20-4.01. The maximum tax is ~~two three thousand dollars (\$2,000)(\$3,000)~~ for each certificate of title issued for a recreational vehicle that is not subject to the commercial vehicle tax imposed by this section. The tax is payable as provided in G.S. 105-187.4.

...."

SECTION 34.6.(e) G.S. 105-187.6 reads as rewritten:

"§ 105-187.6. Exemptions from highway use tax.

...

(c) Out-of-state Vehicles. – A maximum tax of ~~one hundred fifty dollars (\$150.00)~~ two hundred fifty dollars (\$250.00) applies when a certificate of title is issued for a motor vehicle that, at the time of applying for a certificate of title, is and has been titled in another state for at least 90 days."

SECTION 34.6.(f) G.S. 105-449.106(b) is repealed.

SECTION 34.6.(g) Subsection (a) of this subsection is effective when it becomes law. Subsections (b) and (e) of this section become effective October 1, 2014, and applies to certificates of title issued on or after that date. Subsection (c) of this section becomes effective January 1, 2015, and applies to certificates of title issued on or after that date. Subsection (d) of this section becomes effective July 1, 2015, and applies to certificates of title issued on or after that date. Subsection (f) of this section becomes effective January 1, 2015."";

And on page 219, lines 12 through 15, by rewriting the lines to read:

"SECTION 18B.16.(f) This section becomes effective on July 1, 2014, and applies to any claim, whether alleged in any filed action or raised as a defense or claim during proceedings on any action, that asserts that an act of the General Assembly is either facially

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1 invalid or invalid as applied to a set of factual circumstances, based upon the North Carolina or
2 United States Constitutions.";

3
4 And on page 216, line 2, by deleting the word "actions" and substituting the word "action";

5
6 And on page 216, line 14, by rewriting the line to read:

7
8 "districts, or finds that an act of the General Assembly is facially invalid based upon the North
9 Carolina or United States Constitutions, except by the three-judge";

10
11 And on page 216, line 31, by rewriting the line to read:

12
13 "pursuant to the United States Constitution or North Carolina Constitution. Pursuant to G.S. 1-
14 267.1(a) and Rule 42(b)(4), claims described in this subsection that are filed or raised in courts
15 other than Wake County Superior Court or are filed in Wake County Superior Court, shall be
16 transferred to the three-judge panel of the Wake County Superior Court if, after all other
17 matters in the action have been resolved, a determination as to the facial validity of an act of
18 the General Assembly must be made in order to completely resolve any issues in the case.";

19
20 And on page 217, lines 21- 26, by rewriting those lines to read:

21
22 "Court of Wake County for resolution by the three-judge panel if, after all other matters in the
23 action have been resolved, a determination as to the facial validity of an act of the General
24 Assembly must be made in order to completely resolve any matters in the case. The court in
25 which the action originated shall maintain jurisdiction over all matters other than the
26 constitutional challenge. The court shall stay all matters that are contingent upon the outcome
27 of the constitutional challenge pending a ruling on the constitutional challenge and until all
28 appeal rights are exhausted. Once the three-judge panel has ruled and all appeal rights have
29 been exhausted, the matter shall be transferred or remanded back to the trial court in which the
30 action originated for resolution of any outstanding matters.";

31
32 And on page 218, line 30, by rewriting that line to read:

33 "party in a civil action, the court shall stay the relief granted pending appeal. This subsection
34 only applies where the State or a political subdivision of the State is a party in the civil action.
35 This subsection";

36
37 And on page 219, line 7, by rewriting that line to read:

38 "action. This subsection only applies where the State or a political subdivision of the State is a
39 party in the civil action. This subsection does not apply to facial challenges heard by a";

40
41 And on page 18, line 6, by deleting "G.S. 143-64.93," and substituting "G.S. 143-64.92,";

42
43 And on page 20, line 31, by deleting "\$9,630,386" and substituting "\$9,417,515";

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1 And on page 83, line 22, and on page 84, line 3, by inserting a closed quotation mark at the end
2 of the line;

3

4 And on page 105, line 24, by inserting the word "of" between "appeals" and "notices";

5

6 And on page 2, line 16, by deleting the figure "415,602" that appears in the fiscal year column
7 by the item "Agricultural Extension", and substituting the figure "259,621";

8

9 And on page 2, line 17 , by deleting the figure "259,621" that appears in the fiscal year column
10 by the item "Agricultural Research", and substituting the figure "415,602";

11

12 And on page 2, line 33, by deleting "Aid to Private Colleges" and substituting "Aid to Private
13 Institutions";

14

15 And on page 65, line 24, by rewriting that line to read:

16 "State funds except reductions based on enrollment growth model changes or tuition increases,
17 shall be allocated to";

18

19 And on page 129, line 5, by rewriting that line to read as follows:

20 "Land Management Fund created in G.S. 143-345.18A, as enacted by subsection (a) of this
21 section; (ii) in exchange for State-owned";

22

23 And on page 151, line 26, by deleting "G.S. 113-270.2(c)" and substituting "G.S. 113-270.1D";

24

25 And on page 263, lines 42-45, by rewriting those lines to read:

26 "Expenditures, excluding design fees, for a capital project, construction, or repair work (i)
27 that is for training purposes and for a single exercise or undertaking at a National Guard
28 facility; (ii) that has a total cost that does not exceed applicable federal limits; and (iii) that will
29 be funded entirely with federal funds, shall not be subject to this Article.";

30

31 And on page 122, lines 5–13, by deleting those lines;

32

33 And on page 149, lines 3-10, by rewriting the lines to read:

34 ~~"(2) Funds credited pursuant to G.S. 105-187.63(3) to the Solid Waste Management Trust~~
35 ~~Fund shall be used by the Department of Environment and Natural Resources to fund grants to~~
36 ~~State agencies and units of local government to initiate or enhance local recycling programs~~
37 ~~and to provide for the management of difficult to manage solid waste, including abandoned~~
38 ~~mobile homes and household hazardous waste. Up to seven percent (7%) of the funds credited~~
39 ~~under this subdivision may be used by the Department to administer this Part.";~~

40

41 And on page 163, line 17, by deleting "biennium." and substituting "biennium, as defined in
42 G.S. 143C-1-1.";

43

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- 1 And on page 163, line 48, to page 164, line 8, by deleting the lines;
- 2
- 3 And by adjusting the appropriate totals accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**