

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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**HOUSE BILL 101
PROPOSED SENATE COMMITTEE SUBSTITUTE H101-PCS30806-SVf-64**

Short Title: Special License Plate Development Process. (Public)

Sponsors:

Referred to:

February 14, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REAUTHORIZE EXPIRED SPECIAL REGISTRATION PLATES, TO
3 AUTHORIZE ADDITIONAL SPECIAL REGISTRATION PLATES TO BE ON A
4 BACKGROUND OTHER THAN THE "FIRST IN FLIGHT" BACKGROUND, AND TO
5 ESTABLISH A PROCESS BY WHICH PERSONS OR ORGANIZATIONS MUST
6 OBTAIN A MINIMUM NUMBER OF PAID APPLICATIONS PRIOR TO OBTAINING
7 LEGISLATIVE APPROVAL FOR THE DEVELOPMENT OF A SPECIAL
8 REGISTRATION PLATE.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.(a)** Any special registration plate authorized under G.S. 20-79.4 that
11 expired as a matter of law on July 1, 2013, pursuant to G.S. 20-79.8, is reenacted. The
12 corresponding provisions for fees under G.S. 20-79.7(a1) and (b) and any other corresponding
13 requirements for the plates under G.S. 20-81.12 are also reenacted. A special registration plate
14 reenacted under this section is subject to the requirements of G.S. 20-63(b1) if the plate is
15 authorized to be on a background other than a "First in Flight" background.

16 **SECTION 1.(b)** This section is effective when it becomes law. A special
17 registration plate reenacted by this section shall expire, as a matter of law, on October 1, 2014,
18 if the required number of applications for the special registration plate has not been received by
19 the Division of Motor Vehicles by that date. The notification procedure and the responsibilities
20 of the Revisor of Statutes for a special registration plate that expires pursuant to this subsection
21 shall be in accordance with G.S. 20-79.8 except that the notification date shall be no later than
22 October 15, 2015. The Division shall not accept applications for nor advertise any special
23 registration plate that has expired pursuant to this subsection.

24 **SECTION 2.** G.S. 20-63(b1) reads as rewritten:

25 "(b1) The following special registration plates do not have to be a "First in Flight" plate as
26 provided in subsection (b) of this section. The design of the plates that are not "First in Flight"
27 plates must be developed in accordance with G.S. 20-79.4(a3). For special plates authorized in
28 G.S. 20-79.7 on or after July 1, 2013, the Division may not issue the plate on a background
29 under this subsection unless it receives at least 200 applications for the plate in addition to the
30 applications required under G.S. 20-79.4 or G.S. 20-81.12.

- 31 (1) Friends of the Great Smoky Mountains National Park.
- 32 (2) Rocky Mountain Elk Foundation.
- 33 (3) Blue Ridge Parkway Foundation.
- 34 (4) Friends of the Appalachian Trail.
- 35 (5) NC Coastal Federation.
- 36 (6) In God We Trust.



- 1 (7) Stock Car Racing Theme.
- 2 (8) Buddy Pelletier Surfing Foundation.
- 3 (9) Guilford Battleground Company.
- 4 (10) National Wild Turkey Federation.
- 5 (11) North Carolina Aquarium Society.
- 6 (12) First in Forestry.
- 7 (13) North Carolina Wildlife Habitat Foundation.
- 8 (14) NC Trout Unlimited.
- 9 (15) Ducks Unlimited.
- 10 (16) Lung Cancer Research.
- 11 (17) NC State Parks.
- 12 (18) Support Our Troops.
- 13 (19) US Equine Rescue League.
- 14 (20) Fox Hunting.
- 15 (21) Back Country Horsemen of North Carolina.
- 16 (22) Hospice Care.
- 17 (23) Home Care and Hospice.
- 18 (24) NC Tennis Foundation.
- 19 (25) AIDS Awareness.
- 20 (26) Donate Life.
- 21 (27) Farmland Preservation.
- 22 (28) Travel and Tourism.
- 23 (29) Battle of Kings Mountain.
- 24 (30) NC Civil War.
- 25 (31) North Carolina Zoological Society.
- 26 (32) United States Service Academy.
- 27 (33) Carolina Raptor Center.
- 28 (34) Carolinas Credit Union Foundation.
- 29 (35) North Carolina State Flag.
- 30 (36) NC Mining.
- 31 (37) Coastal Land Trust.
- 32 (38) ARTS NC.
- 33 (39) Choose Life.
- 34 (40) North Carolina Green Industry Council.
- 35 (41) NC Horse Council.
- 36 (42) Core Sound Waterfowl Museum and Heritage Center.
- 37 (43) Mountains-to-Sea Trail, Inc.
- 38 (44) Native Brook Trout.
- 39 (45) Red Drum.
- 40 (46) S.T.A.R.
- 41 (47) Alpha Phi Alpha."

42 **SECTION 3.(a)** Article 3 of Chapter 20 of the General Statutes is amended by
43 adding a new section to read:

44 **"§ 20-79.3A. Requirements to establish a special registration plate.**

45 (a) Minimum Number of Paid Applications. – An applicant under this section is a
46 person, organization, or other legal entity seeking authorization to establish a special
47 registration plate for a motor vehicle or a motorcycle. An applicant must obtain the minimum
48 number of paid applications from potential purchasers before submitting a Special Registration
49 Plate Development Application to the Division. A "paid application" means an application
50 completed by a potential purchaser and submitted to the applicant requesting purchase of the

1 special registration plate being proposed by the applicant plus payment of the proposed
2 additional fee amount. The minimum number of paid applications is as follows:

3 (1) 300 for a special registration plate on a standard background described in
4 G.S. 20-63(b).

5 (2) 500 for a special registration plate on a background authorized under
6 G.S. 20-63(b1).

7 (b) Application. – An applicant must submit all of the items listed in this subsection to
8 the Division by February 15 in order for a bill authorizing the special registration plate to be
9 considered for approval during the legislative session being held that year. The Division shall
10 consider an application received after February 15 for approval in the legislative session that
11 begins in the year following the submission date. The application items must include:

12 (1) A completed Special Registration Plate Development Application.

13 (2) A fee equal to number of paid applications received by the applicant, which
14 shall be no less than the minimum number of paid applications required
15 under subsection (a) of this section, multiplied by the proposed additional
16 fee amount stated on the Special Registration Plate Development
17 Application submitted by the applicant.

18 (c) Report to General Assembly. – On or before March 15 of each year, the Division
19 shall submit to the Chairs of the House and Senate Transportation Committees, the Chairs of
20 the House and Senate Finance Committees, and the Research Division of the General Assembly
21 a report that identifies each applicant that has applied for a special registration plate to be
22 authorized in the legislative session being held that year and indicates whether the applicant
23 met the requirements of this section. If an applicant meets the requirements of this section, then
24 a bill may be considered during the legislative session being held that year to authorize a
25 special registration plate for the applicant that submitted the application.

26 (d) Legislative Approval. – If a special registration plate requested under this section is
27 approved by law, the applicant must submit all of the following items to the Division no later
28 60 days after the act approving the plate becomes law. If the applicant fails to timely submit the
29 items required under this subsection, the authorization for the special registration plate shall
30 expire in accordance with G.S. 20-79.8(a1). The items to be submitted are:

31 (1) The final artwork for the plate. The Division must review the artwork to
32 ensure it complies with the standardized format established by
33 G.S. 20-79.4(a3).

34 (2) A list of purchasers who submitted to the applicant a paid application for the
35 special registration plate and any additional fees submitted by potential
36 purchasers to the applicant after submission of the Special Registration Plate
37 Development Application.

38 (e) Legislative Disapproval. – If the special registration plate is not authorized in the
39 legislative session in which the authorization was sought, the Division shall refund to the
40 applicant the fee submitted under subdivision (2) of subsection (b) of this section.

41 (f) Issuance. – Within 180 days after receipt of the requester's design and the minimum
42 number of paid applications, the Division shall issue the special registration plate.

43 **SECTION 3.(b)** This section becomes effective October 1, 2014, and applies to
44 requests for the establishment of new special registration plates on or after that date or to
45 requests for the reenactment of special registration plates for which the authorization expired
46 on or after that date.

47 **SECTION 3.(c)** Notwithstanding the deadlines established in G.S. 20-79.3A(b)
48 and (c), as enacted by this act, the Division shall accept through April 1, 2015, Special
49 Registration Plate Development Applications and shall report the list of qualified applicants to
50 the General Assembly in accordance with G.S. 20-79.3A(c) by May 1, 2015, for a bill to be

1 considered during the 2015 Regular Session of the 2015 General Assembly authorizing a
2 special registration plate requested by an applicant.

3 **SECTION 4.(a)** The Division of Motor Vehicles shall develop an application form
4 for use by an applicant to be completed by potential purchasers of a proposed special
5 registration plate. The form must include an explanation of the application process, the fees that
6 must be submitted to the applicant with the application, and the refund process. Specifically,
7 the form must state that the applicant, and not the Division of Motor Vehicles, is responsible
8 for collecting the fees and for refunding the fees to potential purchasers if the request for a
9 special registration plate is not approved by the General Assembly. The form must also include
10 space for the applicant to provide identifying information of the person or organization seeking
11 the special registration plate and point of contact information.

12 **SECTION 4.(b)** This section is effective when it becomes law. The Division of
13 Motor Vehicles must, by October 1, 2014, develop the form required by this section and make
14 it available on the Division's Web site along with an explanation of the special registration plate
15 application process established under this act.

16 **SECTION 5.(a)** The Division of Motor Vehicles shall develop a Special
17 Registration Plate Development Application Form for use by an applicant seeking to establish
18 or to reauthorize a special registration plate. The form shall require the following information:

- 19 (1) The applicant's identifying information, including point of contact
20 information.
- 21 (2) A description of the proposed plate, including a draft copy of the proposed
22 plate design in substantially final form that conforms to the specifications set
23 by the Division.
- 24 (3) The proposed fee for the plate, which must be a minimum of ten dollars
25 (\$10.00) that is remitted to the Special Registration Plate Account. If an
26 applicant is proposing a fee in excess of the amount remitted to the Special
27 Registration Plate Account, the applicant must state the additional fee
28 amount and describe the proposed use of the additional fee proceeds.
- 29 (4) The name of at least one current member of the General Assembly who
30 would sponsor legislation to authorize the special registration plate.
- 31 (5) A statement that must be signed by the applicant indicating that the applicant
32 has obtained the minimum number of paid applications and will submit the
33 list of purchasers and the final artwork to the Division within 60 days of
34 legislation authorizing the requested special registration plate becoming law.

35 **SECTION 5.(b)** This section is effective when it becomes law. The Division of
36 Motor Vehicles must, by February 1, 2015, develop the form required by this section and make
37 it available on the Division's Web site. The Division must, by February 1, 2015, make the
38 necessary programming changes to be able to accept Special Registration Plate Development
39 Applications in accordance with this act.

40 **SECTION 6.** G.S. 20-79.8 reads as rewritten:

41 "**§ 20-79.8. Expiration of special registration plate authorization.**

42 (a) ~~Expiration.~~ Expiration of Plates Authorized Prior to October 1, 2014. – A special
43 registration plate authorized after July 1, 2011, and before October 1, 2014, pursuant to
44 G.S. 20-79.4 shall expire, as a matter of law, on July 1 of the second calendar year following
45 the year in which the special plate was authorized if the number of required applications for the
46 authorized special plate has not been received by the Division. The Division shall not accept
47 applications for nor advertise any special registration plate that has expired pursuant to this
48 section.

49 (a1) Expiration of Plates Authorized On or After October 1, 2014. – A special
50 registration plate authorized on or after October 1, 2014, pursuant to G.S. 20-79.4, shall expire
51 as a matter of law upon an applicant's failure to submit to the Division all of the items required

1 under G.S. 20-79.3A(d) within 60 days of the act approving the special registration plate
2 becoming law. The Division shall not accept applications for nor advertise any special
3 registration plate that has expired pursuant to this section.

4 (b) Notification. – The Division shall notify the Revisor of Statutes in writing, not later
5 than ~~July 15~~ August 1 of each year, which special registration plate authorizations have expired
6 as a matter of law pursuant to subsection (a) of this section. The Division shall publish a copy
7 of the written notification sent to the Revisor of Statutes pursuant to this subsection on a Web
8 site maintained by the Division or the Department of Transportation.

9 (c) Revisor of Statutes Responsibilities. – Upon notification of expiration of the
10 authorization for any special registration plate by the Division pursuant to this section, the
11 Revisor of Statutes shall verify that the authorization for each special registration plate listed
12 has expired and shall notate ~~such~~ the expiration in the applicable statutes. If an authorization for
13 a special registration plate listed in G.S. 20-79.4 expires, the Revisor of Statutes shall revise the
14 subdivision referring to the special registration plate to leave the name of the special
15 registration plate authorized and the date the special registration plate's authorization expired. If
16 an authorization for a special registration plate listed in G.S. 20-79.4 expires, the Revisor of
17 Statutes shall also make corresponding changes to reflect the expiration of the special
18 registration plate's authorization, if applicable, in G.S. 20-63(b), 20-79.7, and 20-81.12."

19 **SECTION 7.** The Revenue Laws Study Committee is directed as follows as it
20 relates to registration plates:

- 21 (1) To identify whether the process for requests to establish or reauthorize
22 special registration plates under this act requires any modifications and to
23 examine the costs incurred by the Division of Motor Vehicles to administer
24 special registration plates.
- 25 (2) To study whether certain governmental entities should have different
26 eligibility or renewal requirements for permanent registration plates; to study
27 whether nongovernmental entities should be eligible for permanent plates
28 and, if so, what the criteria should be; and to examine the costs incurred by
29 the Division of Motor Vehicles to administer permanent registration plates.

30 The Committee shall report its findings, together with any recommended legislation,
31 to the 2015 Regular Session of the 2015 General Assembly upon its convening.

32 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes
33 law.