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SESSION 2013

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PROPOSED SENATE COMMITTEE SUBSTITUTE H272-PCS30812-RW-100

Short Title: DOT/DMV Changes #2.

(Public)

Sponsors:

Referred to:

March 12, 2013

A BILL TO BE ENTITLED

AN ACT TO (1) PROVIDE THAT THE DIVISION OF MOTOR VEHICLES HEARING ON A LICENSE REVOCATION AS A RESULT OF A DRIVING WHILE IMPAIRED IGNITION INTERLOCK VIOLATION BE HELD IN THE LICENSEE'S COUNTY OF RESIDENCE; (2) DIRECT THE DIVISION OF MOTOR VEHICLES TO ISSUE A SINGLE ANNUAL REGISTRATION RENEWAL STICKER FOR EACH VEHICLE REGISTRATION PLATE; (3) CLARIFY APPLICABILITY OF PERMANENT LICENSE PLATES LAW TO VEHICLES OWNED BY FEDERALLY RECOGNIZED TRIBE; (4) CLARIFY APPLICATION OF DEALER FEE DISCLOSURE REQUIREMENTS; (5) AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PLACE A LICENSE ISSUED UNDER THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW ON PROBATION; (6) PROVIDE THAT NOTICE OF A SUSPENSION, REVOCATION, OR NONRENEWAL OF A LICENSE UNDER THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW SHALL BE GIVEN IN ACCORDANCE WITH RULE 4 OF THE RULES OF CIVIL PROCEDURE; (7) EXTEND BY ONE YEAR THE DEPARTMENT OF TRANSPORTATION DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESS PROGRAM; AND (8) DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY DIGITAL DISPATCHING SERVICES.

The General Assembly of North Carolina enacts:

**DWI INTERLOCK VIOLATION/DMV HEARING SITE**

**SECTION 1.(a)** G.S. 20-17.8(j) reads as rewritten:

"(j) Right to Hearing Before Division; Issues. – If the person's license is revoked pursuant to subsection (g) of this section, before the effective date of the order issued under subsection (i) of this section, the person may request in writing a hearing before the Division. Except for the time referred to in G.S. 20-16.5, if the person shows to the satisfaction of the Division that the person's license was surrendered to the court and remained in the court's possession, then the Division shall credit the amount of time for which the license was in the possession of the court against the revocation period required by subsection (g) of this section. If the person properly requests a hearing, the person retains the person's license, unless it is revoked under some other provision of law, until the hearing is held, the person withdraws the request, or the person fails to appear at a scheduled hearing. The hearing officer may subpoena



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1 any witnesses or documents that the hearing officer deems necessary. The person may request  
2 the hearing officer to subpoena the charging officer, the chemical analyst, or both to appear at  
3 the hearing if the person makes the request in writing at least three days before the hearing. The  
4 person may subpoena any other witness whom the person deems necessary, and the provisions  
5 of G.S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under the  
6 authority of this section. The hearing officer is authorized to administer oaths to witnesses  
7 appearing at the hearing. The hearing must be conducted in the county where the charge was  
8 brought, except when the evidence of the violation is an alcohol concentration report from an  
9 ignition interlock system, the hearing may be conducted in the county where the person resides.  
10 ~~and~~ The hearing must be limited to consideration of whether:

- 11 (1) The drivers license of the person had an ignition interlock requirement; and
- 12 (2) The person:
  - 13 a. Was driving a vehicle that was not equipped with a functioning
  - 14 ignition interlock system; or
  - 15 b. Did not personally activate the ignition interlock system before
  - 16 driving the vehicle; or
  - 17 c. Drove the vehicle in violation of an applicable alcohol concentration
  - 18 restriction prescribed by subdivision (b)(3) of this section.

19 If the Division finds that the conditions specified in this subsection are  
20 met, it must order the revocation sustained. If the Division finds that the  
21 condition of subdivision (1) is not met, or that none of the conditions of  
22 subdivision (2) are met, it must rescind the revocation. If the revocation is  
23 sustained, the person must surrender the person's license immediately upon  
24 notification by the Division. If the revocation is sustained, the person may  
25 appeal the decision of the Division pursuant to G.S. 20-25."

26 **SECTION 1.(b)** This section becomes effective October 1, 2014, and applies to  
27 hearings requested on or after that date.

## 28 **SINGLE LICENSE PLATE RENEWAL STICKER**

29 **SECTION 2.(a)** G.S. 20-66(c) reads as rewritten:

30 "(c) Renewal Stickers. – A single registration renewal sticker issued by the Division  
31 must be displayed on the registration plate that it renews in the place prescribed by the  
32 Commissioner and must indicate the period for which it ~~and the registration plate on which it is~~  
33 ~~displayed~~ is valid. Except where physical differences between a registration renewal sticker  
34 and a registration plate render a provision of this Chapter inapplicable, the provisions of this  
35 Chapter relating to registration plates apply to registration renewal stickers."

36 **SECTION 2.(b)** This section becomes effective January 1, 2015.

## 37 **PERMANENT REGISTRATION PLATE CLARIFICATION/MOTOR VEHICLE** 38 **OWNED BY FEDERALLY RECOGNIZED TRIBE**

39 **SECTION 3.(a)** G.S. 20-84(b) is amended by adding a new subdivision to read:

40 "(b) Permanent Registration Plates. – The Division may issue permanent plates for the  
41 following motor vehicles:

- 42 ...  
43  
44  
45 (19) Any motor vehicle owned by a federally recognized tribe."

46 **SECTION 3.(b)** This section is effective when it becomes law.

## 47 **CLARIFY APPLICATION OF DEALER FEE DISCLOSURE REQUIREMENTS**

48 **SECTION 4.(a)** G.S. 20-101.1 is amended by adding a new subsection to read:  
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1       "(d) This section does not apply to a dealer fee related to the online registration of a  
2 motor vehicle when the dealer fee is separately stated on the buyer's order, purchase order,  
3 retail installment sales agreement, lease, or bill of sale."

4               **SECTION 4.(b)** This act becomes effective October 1, 2014.

#### 6 **MOTOR VEHICLE DEALER LICENSE PROBATION AUTHORIZED**

7               **SECTION 5.(a)** G.S. 20-294 reads as rewritten:

8 "**§ 20-294. Grounds for denying, ~~suspendingsuspending~~, placing on probation, or**  
9 **revoking licenses.**

10       The Division may deny, suspend, place on probation, or revoke a license issued under this  
11 Article for any one or more of the following grounds:

- 12       (1) Making a material misstatement in an application for a license.
- 13       (2) Willfully and intentionally failing to comply with this Article, Article 15 of  
14 this Chapter, or G.S. 20-52.1, 20-75, 20-79.1, 20-79.2, 20-108, 20-109, or a  
15 rule adopted by the Division under this Article.
- 16       (3) Failing to have an established salesroom, if the license holder is a motor  
17 vehicle dealer, or failing to have an established office, if the license holder is  
18 a wholesaler.
- 19       (4) Willfully defrauding any retail buyer, to the buyer's damage, or any other  
20 person in the conduct of the licensee's business.
- 21       (5) Employing fraudulent devices, methods or practices in connection with  
22 compliance with the requirements under the laws of this State with respect to  
23 the retaking of motor vehicles under retail installment contracts and the  
24 redemption and resale of such motor vehicles.
- 25       (6) Using unfair methods of competition or unfair deceptive acts or practices.
- 26       (7) Knowingly advertising by any means, any assertion, representation or  
27 statement of fact which is untrue, misleading or deceptive in any particular  
28 relating to the conduct of the business licensed or for which a license is  
29 sought.
- 30       (8) Knowingly advertising a used motor vehicle for sale as a new motor vehicle.
- 31       (9) Being convicted of an offense set forth under G.S. 20-106, 20-106.1, 20-107,  
32 or 20-112 while holding such a license or within five years next preceding  
33 the date of filing the application; or being convicted of a felony involving  
34 moral turpitude under the laws of this State, another state, or the United  
35 States.
- 36       (10) Submitting a bad check to the Division of Motor Vehicles in payment of  
37 highway use taxes collected by the licensee.
- 38       (11) Knowingly giving an incorrect certificate of title, or failing to give a  
39 certificate of title to a purchaser, a lienholder, or the Division, as appropriate,  
40 after a vehicle is sold.
- 41       (12) Making a material misstatement in an application for a dealer license plate.
- 42       (13) Failure to pay a civil penalty imposed under G.S. 20-287."

43               **SECTION 5.(b)** This section becomes effective October 1, 2014.

#### 45 **CHANGE TO MOTOR VEHICLE DEALER LICENSE SERVICE OF HEARING** 46 **ORDER**

47               **SECTION 6.(a)** G.S. 20-296 reads as rewritten:

48 "**§ 20-296. Notice and hearing upon denial, suspension, ~~revocation~~revocation, placing on**  
49 **probation, or refusal to renew license.**

50       No license shall be ~~suspended or revoked~~ suspended, revoked, denied, placed on  
51 probation, or renewal thereof refused, until a written notice of the complaint made has been

1 furnished to the licensee against whom the same is directed, and a hearing thereon has been had  
2 before the Commissioner, or a person designated by him. At least 10 days' written notice of the  
3 time and place of such hearing shall be given to the licensee by certified mail with return  
4 receipt requested to his last known address as shown on his license or other record of  
5 information in possession of the Division. At any such hearing, the licensee shall have the right  
6 to be heard personally or by counsel. After hearing, the Division shall have power to suspend,  
7 ~~revoke~~ revoke, place on probation, or refuse to renew the license in question. Immediate notice  
8 of any such action shall be given to the licensee in ~~the manner herein provided in the case of~~  
9 notices of hearing, accordance with G.S. 1A-1, Rule 4(j) of the Rules of Civil Procedure."

10 **SECTION 6.(b)** This section becomes effective October 1, 2014, and applies to  
11 notices given on or after that date.

#### 12 **DOT MINORITY/WOMEN BUSINESS PROGRAM**

13 **SECTION 7.(a)** G.S. 136-28.4(e) reads as rewritten:

14 "(e) This section expires ~~August 31, 2014.~~ August 31, 2015."

15 **SECTION 7.(b)** This section is effective when it becomes law.  
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#### 17 **REVENUE LAWS STUDY COMMITTEE/DIGITAL DISPATCHING SERVICES**

18 **SECTION 8.(a)** The Revenue Laws Study Committee is directed to study the  
19 registration requirements, fees, and penalties applicable to for-hire passenger vehicles,  
20 including for-hire passenger vehicles directed by digital dispatching services. The Committee  
21 shall report its findings, together with any recommended legislation, to the 2015 Regular  
22 Session of the 2015 General Assembly upon its convening.

23 **SECTION 8.(b)** This section is effective when it becomes law."  
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#### 25 **EFFECTIVE DATE**

26 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes  
27 law.  
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