

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 337  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH50048-MWf-57A

Short Title: Change Salvage Vehicle Transfer Requirements. (Public)

Sponsors: Representatives Torbett and Lewis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND LAWS GOVERNING THE TRANSFER OF SALVAGE VEHICLES  
3 BY REMOVING NOTARY REQUIREMENTS, PERMITTING ELECTRONIC  
4 SIGNATURES, AND ALLOWING ACCESS TO DIVISION OF MOTOR VEHICLE  
5 SYSTEMS FOR SALVAGE VEHICLE TITLE PROCESSING.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-52(c) reads as rewritten:

8 "(c) Unless otherwise prohibited by federal law, an application for a certificate of title,  
9 salvage certificate of title, a registration plate, a registration card, and any other document  
10 required by the Division to be submitted with the application and requiring a signature may be  
11 submitted to the Division with an electronic signature in accordance with Article 40 of Chapter  
12 66 of the General Statutes. The required notarization of any electronic signature on any  
13 application or document submitted to the Division pursuant to this subsection may be performed  
14 electronically in accordance with Article 2 of Chapter 10B of the General Statutes."

15 **SECTION 2.** G.S. 20-63(i) and (j) read as rewritten:

16 "(i) Electronic Applications and Collections. – The Division shall accept electronic  
17 applications for the issuance of registration plates, registration certificates, salvage certificate of  
18 title, and certificates of title, and is authorized to electronically collect fees from online motor  
19 vehicle registration vendors under contract with the Division.

20 (j) The Division shall contract with at least two online motor vehicle registration vendors  
21 which may enter into contracts with motor vehicle dealers to complete and file Division required  
22 documents for the issuance of a salvage certificate of title, certificate of title, registration plate,  
23 or registration card or a duplicate salvage certificate of title, certificate of title, registration plate,  
24 or registration card for a motor vehicle, upon purchase or sale of a vehicle. Motor vehicle dealer  
25 transactions authorized in this subsection may include submissions to the Division on behalf of  
26 insurers pursuant to G.S. 20-109.1."

27 **SECTION 3.** G.S. 20-72(b) reads as rewritten:

28 "(b) In order to assign or transfer title or interest in any motor vehicle registered under the  
29 provisions of this Article, the owner shall execute in the presence of a person authorized to  
30 administer oaths an assignment and warranty of title on the reverse of the certificate of title in  
31 form approved by the Division, including in such assignment the name and address of the  
32 transferee; and no title to any motor vehicle shall pass or vest until such assignment is executed  
33 and the motor vehicle delivered to the transferee. The provisions of this section shall not apply  
34 to any foreclosure or repossession under a chattel mortgage or conditional sales contract or any  
35 judicial sale. The provisions of this subsection shall not apply to (i) any transfer to an insurer  
36 pursuant to G.S. 20-109.1(b)(2) or G.S. 20-109.1(b)(3) or (ii) any transfer to a used motor vehicle



1 dealer pursuant to G.S. 20-109.1(e1). The provisions of this subsection requiring that an  
2 assignment and warranty of title be executed in the presence of a person authorized to administer  
3 oaths shall not apply to any transfer of title to or from an insurer pursuant to G.S. 20-109.1.

4 When a manufacturer's statement of origin or an existing certificate of title on a motor vehicle  
5 is unavailable, a motor vehicle dealer licensed under Article 12 of this Chapter may also transfer  
6 title to a vehicle currently titled in this State to another by certifying in writing in a sworn  
7 statement to the Division that is signed by the dealer principal, general manager, general sales  
8 manager, controller, or owner of the dealership that, to the best of the signatory's knowledge and  
9 information as of the date of the sworn certification, all prior perfected liens on the vehicle that  
10 are known or reasonably ascertainable by the signatory have been paid and that the motor vehicle  
11 dealer, despite having used reasonable diligence, was unable to obtain the vehicle's statement of  
12 origin or certificate of title. For purposes of this subsection, a dealer may certify that the dealer  
13 is unable to obtain the vehicle's statement of origin or certificate of title if the statement of origin  
14 or certificate of title has either (i) not been delivered to the dealer or (ii) has been lost or  
15 misplaced. The Division is authorized to request any information it deems necessary to transfer  
16 the vehicle and shall develop a form for this purpose. The knowing and intentional filing of a  
17 false sworn certification with the Division pursuant to this subsection shall constitute a Class H  
18 felony. A dealer principal, owner, or manager of a motor vehicle dealership who is not a signatory  
19 of the sworn certification required under this subsection may only be charged for a criminal  
20 violation for filing a false certification under this subsection by another dealership employee if  
21 the dealer principal, owner, or manager had actual knowledge of the falsity of the sworn  
22 certification at the time the sworn certification was submitted to the Division.

23 Any person transferring title or interest in a motor vehicle shall deliver the certificate of title  
24 duly assigned in accordance with the foregoing provision to the transferee at the time of  
25 delivering the vehicle, except when a certificate of title is unavailable as provided in this  
26 subsection or in G.S. 20-72.1, and except that where a security interest is obtained in the motor  
27 vehicle from the transferee in payment of the purchase price or otherwise, the transferor shall  
28 deliver the certificate of title to the lienholder and the lienholder shall forward the certificate of  
29 title together with the transferee's application for new title and necessary fees to the Division  
30 within 20 days. If the title to a vehicle is unavailable and the dealer transfers the vehicle on a  
31 sworn certification pursuant to this section or G.S. 20-52.1, and the title is subsequently received  
32 or found by the dealer, the dealer shall retain a copy for its records and submit the title to the  
33 Division. Any person who delivers or accepts a certificate of title assigned in blank shall be guilty  
34 of a Class 2 misdemeanor. No person shall have a cause of action against the Division or Division  
35 contractors arising from the transfer of a vehicle by a sworn certification pursuant to this section.

36 The title to a salvage vehicle shall be forwarded to the Division as provided in G.S. 20-109.1,  
37 except with respect to the title of any salvage vehicle transferred pursuant to ~~G.S. 20-109.1(b)(2)~~  
38 ~~G.S. 20-109.1(b)(2), 20-109.1(b)(3), or G.S. 20-109.1(e1), 20-109.1(e1).~~"

39 **SECTION 4.** G.S. 20-75 reads as rewritten:

40 "**§ 20-75. When transferee is a charitable organization, dealer, or insurance company.**

41 A transferee of a vehicle registered under this Article is not required to register the vehicle or  
42 forward the certificate of title to the Division as provided in G.S. 20-73 when the transferee is  
43 any of the following:

- 44 (1) A dealer who is licensed under Article 12 of this Chapter and who holds the  
45 vehicle for resale.
- 46 (2) An insurance company taking the vehicle for sale or disposal for salvage  
47 purposes where the title is taken or requested as a part of a bona fide claim  
48 settlement transaction and only for the purpose of resale.
- 49 (3) A charitable organization operating under section 501(c)(3) of the Internal  
50 Revenue Code (26 U.S.C. § 501(c)(3)) and the vehicle was donated to the

1 charitable organization solely for purposes of resale by the charitable  
2 organization.

3 To assign or transfer title or interest in the vehicle, the charitable organization, ~~dealer, or~~  
4 ~~insurance company or dealer~~ shall execute, in the presence of a person authorized to administer  
5 oaths, a reassignment and warranty of title on the reverse of the certificate of title in the form  
6 approved by the Division, which shall include the name and address of the transferee. To assign  
7 or transfer title or interest in the vehicle, the insurance company shall execute a reassignment and  
8 warranty of title on the reverse of the certificate of title in the form approved by the Division,  
9 which shall include the name and address of the transferee. The title to the vehicle shall not pass  
10 or vest until the reassignment is executed and the motor vehicle delivered to the transferee.

11 The dealer transferring title or interest in a motor vehicle shall deliver the certificate of title  
12 duly assigned in accordance with the foregoing provision to the transferee at the time of  
13 delivering the vehicle, except:

- 14 (1) Where a security interest in the motor vehicle is obtained from the transferee  
15 in payment of the purchase price or otherwise, the dealer shall deliver the  
16 certificate of title to the lienholder and the lienholder shall forward the  
17 certificate of title together with the transferee's application for new certificate  
18 of title and necessary fees to the Division within 20 days; or
- 19 (2) Where the transferee has the option of cancelling the transfer of the vehicle  
20 within 10 days of delivery of the vehicle, the dealer shall deliver the certificate  
21 of title to the transferee at the end of that period. Delivery need not be made  
22 if the contract for sale has been rescinded in writing by all parties to the  
23 contract.

24 Any person who delivers or accepts a certificate of title assigned in blank shall be guilty of a  
25 Class 2 misdemeanor.

26 The title to a salvage vehicle shall be forwarded to the Division as provided in G.S. 20-109.1,  
27 except with respect to the title of any salvage vehicle transferred pursuant to ~~G.S. 20-109.1(b)(2)~~  
28 ~~G.S. 20-109.1(b)(2), 20-109.1(b)(3), or G.S. 20-109.1(e1), 20-109.1(e1).~~"

29 **SECTION 5.** G.S. 20-78(a) reads as rewritten:

30 "(a) The Division, upon receipt of a properly endorsed certificate of title, application for  
31 transfer thereof and payment of all proper fees, shall issue a new certificate of title as upon an  
32 original registration. The Division, upon receipt of an application for transfer of registration  
33 plates, together with payment of all proper fees, shall issue a new registration card transferring  
34 and assigning the registration plates and numbers thereon as upon an original assignment of  
35 registration plates. The Division, upon receipt of an application for transfer thereof and payment  
36 of all proper fees, but without receipt of a properly endorsed certificate of title, shall issue a  
37 salvage certificate of title pursuant to ~~G.S. 20-109.1(b)(2)~~ G.S. 20-109.1(b)(2), 20-109.1(b)(3),  
38 or G.S. 20-109.1(e1), 20-109.1(e1)."

39 **SECTION 6.** G.S. 20-85(a) reads as rewritten:

40 "(a) The following fees are imposed concerning a certificate of title, a registration card, or  
41 a registration plate for a motor vehicle. These fees are payable to the Division and are in addition  
42 to the tax imposed by Article 5A of Chapter 105 of the General Statutes:

- 43 (1) Each application for certificate of title..... \$52.00
- 44 (2) Each application for duplicate or corrected certificate of title..... 20.00
- 45 (3) Each application of reposessor for certificate of title..... 20.00
- 46 (4) Each transfer of registration..... 20.00
- 47 (5) Each set of replacement registration plates..... 20.00
- 48 (6) Each application for duplicate registration card..... 20.00
- 49 (7) Each application for recording supplementary lien ..... 20.00
- 50 (8) Each application for renewing a security interest on a certificate of title or  
51 removing a lien or security interest from a certificate of title..... 20.00

- 1 (9) Each application for certificate of title for a motor vehicle transferred to a
- 2 manufacturer, as defined in G.S. 20-286, or a motor vehicle retailer for the
- 3 purpose of resale ..... 20.00
- 4 (10) Each application for a salvage certificate of title made by an insurer or by a
- 5 used motor vehicle dealer pursuant to ~~subdivision (b)(2)~~ or subsection (e1) of
- 6 G.S. 20-109.1 ..... 20.00
- 7 (11) Each set of replacement Stock Car Racing Theme plates issued under
- 8 G.S. 20-79.4 .....25.00."

9 **SECTION 7.** G.S. 20-109.1(b) reads as rewritten:

10 "(b) Transfer to Insurer. –

11 (1) If a salvage vehicle owner does not want to keep the vehicle, the owner must

12 assign the vehicle's certificate of title to the insurer when the insurer pays the

13 claim. The insurer must send the assigned title to the Division within 10 days

14 after receiving it from the vehicle owner. The Division must then send the

15 insurer a form to use to transfer title to the vehicle from the insurer to a person

16 who buys the vehicle from the insurer. If the insurer sells the vehicle, the

17 insurer must complete the form and give it to the buyer. If the buyer rebuilds

18 the vehicle, the buyer may apply for a new certificate of title to the vehicle.

19 Notwithstanding any other provision of law, with respect to a vehicle

20 described in this subsection, the following shall be exempt from the

21 requirements of notarization, including exemption from the notarization of

22 electronic signature requirements of G.S. 20-52(c):

- 23 a. The transfer of ownership on the certificate of title.
- 24 b. Any power of attorney required in connection with the transfer of
- 25 ownership to the insurer.
- 26 c. Any required odometer disclosure affidavit.
- 27 d. The application for a salvage certificate of title.
- 28 e. The transfer of ownership on the salvage certificate of title issued.
- 29 f. Any affidavit pursuant to subdivision (b)(2) of this section.
- 30 g. Any affidavit on the salvage certificate of title issued.

31 (2) If a salvage vehicle owner fails to assign and deliver the vehicle's certificate

32 of title to the insurer within 30 days of the payment of the claim in accordance

33 with subdivision (b)(1) of this section, the insurer, without surrendering the

34 certificate of title, may, at any time thereafter, request that the Division send

35 the insurer a form to use to transfer title to the vehicle from the insurer to a

36 person who buys the vehicle from the insurer. The request shall be made on a

37 form prescribed by the Division and shall be accompanied by proof of

38 payment of the claim and proof of notice sent to the owner and any lienholder

39 requesting the vehicle's certificate of title. If the records of the Division

40 indicate there is an outstanding lien against the vehicle immediately before the

41 payment of the claim and if the payment was made to a lienholder or to a

42 lienholder and the owner jointly, the proof of payment shall include evidence

43 that funds were paid to the first lienholder shown on the records of the

44 Division. The notice must be sent by the insurer at least 30 days prior to

45 requesting the Division send the insurer a form to use to transfer title and must

46 be sent by certified mail or by another commercially available delivery service

47 providing proof of delivery to the address on record with the Division. Upon

48 the Division's receipt of such request, the vehicle's certificate of title is deemed

49 to be assigned to the insurer. Notwithstanding any outstanding liens against

50 the vehicle, the Division must send the insurer a form to use to transfer title to

51 the vehicle from the insurer to a person who buys the vehicle from the insurer.

1           The Division's issuance of the form extinguishes all existing liens on the motor  
2           vehicle. If the insurer sells the vehicle, the insurer must complete the form and  
3           give it to the buyer. In such a sale by the insurer, the motor vehicle shall be  
4           transferred free and clear of any liens. If the buyer rebuilds the vehicle, the  
5           buyer may apply for a new certificate of title to the vehicle. The provisions of  
6           this subdivision shall only apply when the most recent certificate of title for  
7           the vehicle was issued by this State.

8           (3) If a salvage vehicle owner fails to assign and deliver the vehicle's certificate  
9           of title to the insurer within 30 days of the payment of the claim in accordance  
10           with subdivision (b)(1) of this section, the insurer, without surrendering the  
11           certificate of title, may, at any time thereafter, request that the Division send  
12           the insurer a form to use to transfer title to the vehicle from the insurer to a  
13           person who buys the vehicle from the insurer. The request shall be made on a  
14           form prescribed by the Division and shall be accompanied by proof of  
15           payment of the claim and proof of notice sent to the owner requesting the  
16           vehicle's certificate of title. The notice must be sent by the insurer at least 30  
17           days prior to requesting the Division send the insurer a form to use to transfer  
18           title and must be sent by certified mail or by another commercially available  
19           delivery service providing proof of delivery to the address on record with the  
20           jurisdiction that issued the certificate of title. Upon the Division's receipt of  
21           such request, the vehicle's certificate of title is deemed to be assigned to the  
22           insurer. If the insurer sells the vehicle, the insurer must complete the form and  
23           give it to the buyer. If the buyer rebuilds the vehicle, the buyer may apply for  
24           a new certificate of title to the vehicle. The provisions of this subdivision shall  
25           only apply when the most recent certificate of title for the vehicle was issued  
26           by another state; the motor vehicle records of the jurisdiction that issued the  
27           certificate of title indicate that there are no liens recorded against the motor  
28           vehicle; and the motor vehicle was damaged, stolen, or recovered in this State,  
29           was owned by a resident of this State immediately prior to payment of the  
30           claim by the insurer, or as otherwise permitted by the Division."

31           **SECTION 8.** This act becomes effective October 1, 2019.