

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 883\*

Short Title: License Plate Agency Contracting. (Public)

Sponsors: Representatives Cole; Lucas and Wray.

Referred to: Transportation, if favorable, Finance.

March 31, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO SUBMIT ALL  
3 CONTRACTS AND STANDARD OPERATING PROCEDURES TO THE JOINT  
4 LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE AND TO CREATE  
5 AN AFFIRMATIVE DEFENSE FOR A FAILURE TO POST INFORMATION BY A  
6 FORMER CONTRACT AGENT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 20-63(h) reads as rewritten:

9 "(h) Commission Contracts for Issuance of Plates and Certificates. – All registration  
10 plates, registration certificates, and certificates of title issued by the Division, outside of those  
11 issued from the Charlotte and Raleigh offices of the Division and those issued and handled  
12 through the United States mail, shall be issued insofar as practicable and possible through  
13 commission contracts entered into by the Division for the issuance of the plates and certificates  
14 in localities throughout North Carolina with persons, firms, corporations or governmental  
15 subdivisions of the State of North Carolina. The Division shall make a reasonable effort in  
16 every locality, except as noted above, to enter into a commission contract for the issuance of  
17 the plates and certificates and a record of these efforts shall be maintained in the Division. All  
18 Division contracts and standard operating procedures shall be reported to the Joint Legislative  
19 Transportation Oversight Committee no later than January 1 of each year. In the event the  
20 Division is unsuccessful in making commission contracts, it shall issue the plates and  
21 certificates through the regular employees of the Division. Whenever registration plates,  
22 registration certificates, and certificates of title are issued by the Division through commission  
23 contract arrangements, the Division shall provide proper supervision of the distribution.  
24 Nothing contained in this subsection will allow or permit the operation of fewer outlets in any  
25 county in this State than are now being operated.

26 Commission contracts entered into by the Division under this subsection shall provide for  
27 the payment of compensation on a per transaction basis. The collection of the highway use tax  
28 shall be considered a separate transaction for which ~~one dollar and twenty-seven cents~~  
29 ~~(\$1.27)~~ one dollar and seventy-three cents (\$1.73) compensation shall be paid. The performance  
30 at the same time of one or more of the remaining transactions listed in this subsection shall be  
31 considered a single transaction for which ~~one dollar and forty-three cents (\$1.43)~~ one dollar and  
32 ninety-six cents (\$1.96) compensation shall be paid.

33 A transaction is any of the following activities:

- 34 (1) Issuance of a registration plate, a registration card, a registration renewal  
35 sticker, or a certificate of title.  
36 (2) Issuance of a handicapped placard or handicapped identification card.  
37 (3) Acceptance of an application for a personalized registration plate.



- 1 (4) Acceptance of a surrendered registration plate, registration card, or  
2 registration renewal sticker, or acceptance of an affidavit stating why a  
3 person cannot surrender a registration plate, registration card, or registration  
4 renewal sticker.  
5 (5) Cancellation of a title because the vehicle has been junked.  
6 (6) Acceptance of an application for, or issuance of, a refund for a fee or a tax,  
7 other than the highway use tax.  
8 (7) Receipt of the civil penalty imposed by G.S. 20-311 for a lapse in financial  
9 responsibility or receipt of the restoration fee imposed by that statute.  
10 (8) Acceptance of a notice of failure to maintain financial responsibility for a  
11 motor vehicle.  
12 (8a) Collection of civil penalties imposed for violations of G.S. 20-183.8A.  
13 (8b) Sale of one or more inspection stickers in a single transaction to a licensed  
14 inspection station.  
15 (9) Collection of the highway use tax.  
16 (10) Acceptance of a temporary lien filing."

17 **SECTION 2.** G.S. 20-63(h2) reads as rewritten:

18 "(h2) Upon the closing of the only contract license plate agency in a county, the Division  
19 shall as soon as practicable designate a temporary location for the issuance of all registration  
20 plates, registration certificates, and certificates of title issued by the Division for that county.  
21 The designation shall be posted at the former agency location for not less than 30 days and  
22 shall include the street address and telephone number of the temporary location. A former  
23 contract agent shall allow the posting of this required notice at the former location for a period  
24 of not less than 30 days. A failure to comply with the posting requirements of this section by a  
25 former contract agent shall be a Class 3 misdemeanor. It shall be a defense to a charge brought  
26 pursuant to this subsection if the former contract agent could not post the required information  
27 at the former location because the former contract agent does not have legal access to the  
28 property to make the required posting."

29 **SECTION 3.** This act becomes effective December 1, 2009, and applies to  
30 offenses committed on or after that date.