

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1404

Short Title: Seizure of Documents and Plates.

(Public)

Sponsors: Representatives Folwell; and Starnes.

Referred to: Judiciary II.

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE NORTH CAROLINA STATE HIGHWAY PATROL TO DESIGNATE ENFORCEMENT PERSONNEL TO SERVE AS PROCESS OFFICERS IN EACH DISTRICT OF EACH TROOP AND TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-45 reads as rewritten:

"§ 20-45. **Seizure of documents and plates.**

(a) The Division is hereby authorized to take possession of any certificate of title, registration card, permit, license, or registration plate issued by it upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued, or which has been unlawfully used.

(b) ~~Nothing contained herein or elsewhere shall be construed to require the Division to take possession of any certificate of title, registration card permit, license, or registration plate which has expired, been revoked, canceled or suspended or which is fictitious or which has been unlawfully or erroneously issued, or which has been unlawfully used.~~ The Division may give notice to the owner, licensee or lessee of its authority to take possession of any ownership document, operator's license, or plate certificate of title, registration card, permit, license, or registration plate issued by it and require that person to surrender it to the Commissioner or his officers or agents. Any person who fails to surrender the ownership document, operator's license, or plate, or any duplicate thereof upon personal service of notice or within 10 days after receipt of notice by mail, as provided in G.S. 20-48, shall be guilty of a Class 2 misdemeanor.

(c) If the Division does not receive the certificate of title, registration card, permit, license, or registration plate which has expired; been revoked; canceled; suspended; which was fictitious; which has been unlawfully or erroneously issued; or which has been unlawfully used, the Division shall issue a process or revocation order directing the State Highway Patrol to locate the certificate of title, registration card,

1 permit, license, or registration plate and seize it. The State Highway Patrol member
2 servicing the process or revocation order shall take appropriate enforcement action
3 against the owner, licensee, or lessee. A member of the State Highway Patrol shall have
4 the same authority while servicing a process or revocation order as if the member was
5 servicing an arrest warrant."

6 **SECTION 2.** This act becomes effective October 1, 2005.