

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1404
Committee Substitute Favorable 6/1/05

Short Title: Seizure of Documents and Plates.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO REQUIRE LAW ENFORCEMENT OFFICERS 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possession of any certificate of title, registration card permit, license, or registration plate which has expired, been revoked, canceled or suspended or which is fictitious or which has been unlawfully or erroneously issued, or which has been unlawfully used.~~ The Division may give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 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(c) If the Division does not receive the registration plate which has been revoked; canceled; suspended; which was fictitious; which has been unlawfully or erroneously issued; or which has been unlawfully used, the Division shall issue a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 and all other law enforcement agencies to locate the registration plate and seize it. The law enforcement officer serving the process or revocation order shall take appropriate enforcement action against the owner, licensee, or lessee. A law enforcement officer shall have the same authority

1 while serving a process or revocation order as if the member was serving an arrest
2 warrant."

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