

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1404
Committee Substitute Favorable 6/1/05
Senate Judiciary I Committee Substitute Adopted 8/11/05

Short Title: Seizure of Documents and Plates.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE 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possession of any certificate of title, registration card permit, license, or registration plate which has expired, been revoked, canceled or suspended or which is fictitious or which has been unlawfully or erroneously issued, or which has been unlawfully used.~~ The Division may give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 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, certificate of title, registration card, permit, license, or registration plate or any duplicate ~~thereof~~ thereof, upon personal service of notice or within 10 days after receipt of notice by mail, mail as provided in G.S. 20-48, shall be guilty of a Class 2 misdemeanor.

(c) Any sworn law enforcement officer, including a member of the State Highway Patrol, is authorized to seize a certificate of title, registration card, permit, license, or registration plate that has been revoked by the Division. When, in reliance upon written, electronic, or other notice from the Division, any law enforcement officer,

1 with territorial and subject matter jurisdiction, has probable cause to believe that the
2 certificate of title, registration card, permit, license, or registration plate has been
3 revoked or cancelled by the Division pursuant to G.S. 20-309(e), in accordance with this
4 section, or any other statute, in addition to the officer taking appropriate enforcement
5 action against the owner, licensee or lessee, the officer is authorized to seize and deliver
6 the certificate of title, registration card, permit, license, or registration plate subject to
7 revocation to the Division, after completion of all court proceedings. A law enforcement
8 officer acting pursuant to this subsection shall have the same authority while executing
9 a revocation as if the law enforcement officer was serving an arrest warrant.

10 (d) Any law enforcement officer who seizes a registration plate pursuant to this
11 section shall report the seizure to the Division within 48 hours of the seizure."

12 **SECTION 2.** This act becomes effective December 1, 2005.