

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH60150-MA-244 (03/05)

Short Title: DOT Maintenance Program/DMV Registration.-AB (Public)

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Sponsors: Representative Carney.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO DEVELOP PERFORMANCE STANDARDS FOR THE DEPARTMENT  
3 OF TRANSPORTATION AND TO MODIFY MOTOR VEHICLE  
4 REGISTRATION REQUIREMENTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 136-44.3 reads as rewritten:

7 "**§ 136-44.3. Maintenance program.**

8 The Department shall establish performance standards for the maintenance and  
9 operation of the State highway system. In each even-numbered year, the Department of  
10 Transportation shall survey the condition of the State highway system and shall prepare  
11 a report of the findings of the survey. The report shall provide both quantitative and  
12 qualitative descriptions of the condition of the system and shall provide estimates of the  
13 following:

- 14 (1) The annual cost of routine maintenance of the State highway system; to  
15 meet and sustain the established performance standards for the primary  
16 and secondary highway system, to include: (i) routine maintenance and  
17 operations, (ii) system preservation, and (iii) pavement and bridge  
18 rehabilitation.
- 19 (2) ~~The cost of eliminating any maintenance backlog by categories of~~  
20 ~~maintenance requirements;~~
- 21 (2a) Projected system condition and corresponding optimal funding  
22 requirements for a seven-year plan to sustain established performance  
23 standards.
- 24 (3) ~~The annual cost to resurface the State highway system based upon a~~  
25 ~~12-year repaving cycle for the primary system and a 15-year cycle for~~  
26 ~~other highways; and~~
- 27 (4) ~~The cost of eliminating any resurfacing backlog, by type of system.~~

1 On the basis of the ~~report,~~ report and from funds available, the Department of  
2 Transportation shall develop a statewide annual maintenance program for the State  
3 highway system, which shall be subject to the approval of the Board of Transportation  
4 and ~~shall take into consideration the general maintenance needs, special maintenance~~  
5 ~~needs, vehicular traffic, and other factors deemed pertinent.~~ is consistent with  
6 performance standards.

7 ~~Each division engineer, at the end of the fiscal year, shall certify the maintenance of~~  
8 ~~highways in his division in accordance with the annual work program, along with an~~  
9 ~~explanation for any deviations.~~

10 The report on the condition of the State highway system and ~~the annual maintenance~~  
11 ~~program—funding needs~~ shall be presented to the Joint Legislative Transportation  
12 Oversight Committee by ~~November 30~~ December 31 of each even-numbered year, and  
13 copies shall be made available to any member of the General Assembly upon request."

14 **SECTION 2.** G.S. 136-33.2 is repealed.

15 **SECTION 3.** Chapter 136 of the General Statutes is amended by adding a  
16 new section to read:

17 **"§ 136-33.2A. Signs marking beginning of reduced speed zones.**

18 If a need to reduce speed in a speed zone is determined to exist by an engineer of the  
19 Department, there shall be a sign erected, of adequate size, at least 600 feet in advance  
20 of the beginning of any speed zone established by any agency of the State authorized to  
21 establish the same, which shall indicate a change in the speed limit."

22 **SECTION 4.** G.S. 20-52(a) reads as rewritten:

23 "(a) An owner of a vehicle subject to registration must apply to the Division for a  
24 certificate of title, a registration plate, and a registration card for the vehicle. To apply,  
25 an owner must complete an application form provided by the Division. The application  
26 form must request all of the following information and may request other information  
27 the Division considers necessary:

28 (1) The owner's name.

29 (1a) If the owner is an individual, the following information:

30 a. The owner's mailing address and residence address.

31 b. The owner's ~~social security number.~~ North Carolina drivers  
32 license number or North Carolina special identification card.

33 (1b) If the owner is a firm, a partnership, a corporation, or another entity,  
34 the address of the entity.

35 (2) A description of the vehicle, including the following:

36 a. The make, model, type of body, and vehicle identification  
37 number of the vehicle.

38 b. Whether the vehicle is new or used and, if a new vehicle, the  
39 date the manufacturer or dealer sold the vehicle to the owner  
40 and the date the manufacturer or dealer delivered the vehicle to  
41 the owner.

42 (3) A statement of the owner's title and of all liens upon the vehicle,  
43 including the names and addresses of all lienholders in the order of  
44 their priority, and the date and nature of each lien.

1 The application form must contain the disclosures concerning the request for an  
2 applicant's social security number required by section 7 of the federal Privacy Act of  
3 1974, Pub. L. No. 93-579. In accordance with 42 U.S.C. 405(c)(2)(C)(v), the Division  
4 may disclose a social security number obtained under this subsection only for the  
5 purpose of administering the motor vehicle registration laws and may not disclose the  
6 social security number for any other purpose. The social security number of a person  
7 who applies to register a vehicle or of a person in whose name a vehicle is registered is  
8 therefore not a public record. A violation of the disclosure restrictions is punishable as  
9 provided in 42 U.S.C. 405(c)(2)(C)(vii)."

10 **SECTION 5.** G.S. 20-54 reads as rewritten:

11 "**§ 20-54. Authority for refusing registration or certificate of title.**

12 The Division shall refuse registration or issuance of a certificate of title or any  
13 transfer of registration upon any of the following grounds:

- 14 (1) The application contains a false or fraudulent statement, the applicant  
15 has failed to furnish required information or reasonable additional  
16 information requested by the Division, or the applicant is not entitled  
17 to the issuance of a certificate of title or registration of the vehicle  
18 under this Article.
- 19 (2) The vehicle is mechanically unfit or unsafe to be operated or moved  
20 upon the highways.
- 21 (3) The Division has reasonable ground to believe that the vehicle is a  
22 stolen or embezzled vehicle, or that the granting of registration or the  
23 issuance of a certificate of title would constitute a fraud against the  
24 rightful owner or another person who has a valid lien against the  
25 vehicle.
- 26 (4) The registration of the vehicle stands suspended or revoked for any  
27 reason as provided in the motor vehicle laws of this ~~State~~State, except  
28 in such cases to abide by the ignition interlock installation  
29 requirements of G.S. 20-17-8.
- 30 (5) The required fee has not been ~~paid~~paid, including any additional  
31 registration fees or taxes due pursuant to G.S. 20-91(c).
- 32 (6) The vehicle is not in compliance with the emissions inspection  
33 requirements of Part 2 of Article 3A of this Chapter or a civil penalty  
34 assessed as a result of the failure of the vehicle to comply with that  
35 Part has not been paid.
- 36 (7) The Division has been notified that the motor vehicle has been seized  
37 by a law enforcement officer and is subject to forfeiture pursuant to  
38 G.S. 20-28.2, et seq., or any other statute. However, the Division shall  
39 not prevent the renewal of existing registration prior to an order of  
40 forfeiture.
- 41 (8) The vehicle is a golf cart or utility vehicle.
- 42 (9) The applicant motor carrier is subject to an order issued by the Federal  
43 Motor Carrier Safety Administration or the Division to cease all  
44 operations based on a finding that the continued operations of the

1 motor carrier pose an "imminent hazard" as defined in 49 C.F.R. §  
2 386.72(b)(1)."

3 **SECTION 6.** G.S. 20-54.1(a) reads as rewritten:

4 "(a) Upon receipt of notice of conviction of a violation of an offense involving  
5 impaired driving while the person's license is revoked as a result of a prior impaired  
6 driving license revocation as defined in G.S. 20-28.2, the Division shall revoke the  
7 registration of all motor vehicles registered in the convicted person's name and shall not  
8 register a motor vehicle in the convicted person's name until the convicted person's  
9 license is ~~restored~~, restored, except in such cases to abide by the ignition interlock  
10 installation requirements of G.S. 20-17-8. Upon receipt of notice of revocation of  
11 registration from the Division, the convicted person shall surrender the registration on  
12 all motor vehicles registered in the convicted person's name to the Division within 10  
13 days of the date of the notice."

14 **SECTION 7.** G.S. 20-91(c) reads as rewritten:

15 "(c) If an audit is conducted and it becomes necessary to assess the registrant for  
16 deficiencies in registration fees or taxes due based on the audit, the assessment will be  
17 determined based on the schedule of rates prescribed for that registration year, adding  
18 thereto and as a part thereof an amount equal to five percent (5%) of the tax to be  
19 collected. If, during an audit, it is determined that:

- 20 (1) A registrant failed or refused to make acceptable records available for  
21 audit as provided by law; or  
22 (2) A registrant misrepresented, falsified or concealed records, then all  
23 plates and cab cards shall be deemed to have been issued erroneously  
24 and are subject to cancellation. The Commissioner, based on  
25 information provided by the Department of Revenue audit, may assess  
26 the registrant for an additional percentage up to one hundred percent  
27 (100%) North Carolina registration fees at the rate prescribed for that  
28 registration year, adding thereto and as a part thereof an amount equal  
29 to five percent (5%) of the tax to be collected. The Commissioner may  
30 cancel all registration and reciprocal privileges.

31 As a result of an audit, no assessment shall be issued and no claim for refund shall  
32 be allowed which is in an amount of less than ten dollars (\$10.00).

33 The results of any audit conducted under this section shall be provided to the  
34 Division. The notice of any assessments shall be sent by the Division to the registrant by  
35 registered or certified mail at the address of the registrant as it appears in the records of  
36 the Division of Motor Vehicles in Raleigh. The notice, when sent in accordance with the  
37 requirements indicated above, will be sufficient regardless of whether or not it was ever  
38 received.

39 The failure of any registrant to pay any additional registration fees or tax within 30  
40 days after the billing date, shall constitute cause for revocation of registration license  
41 plates, cab cards and reciprocal ~~privileges~~privileges, or shall constitute cause for the  
42 denial of registration of a vehicle registered through the International Registration Plan  
43 or a vehicle no longer registered through the International Registration Plan."

44 **SECTION 8.** This act becomes effective July 1, 2007.