GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2011

S

SENATE BILL 729

	Short Title:	Technology to Catch Uninsured Motorists.	(Public)
	Sponsors:	Senators Goolsby, Brown, Meredith; and Harrington.	
	Referred to:	Insurance.	
		April 20, 2011	
1		A BILL TO BE ENTITLED	
2	AN ACT TO	O ALLOW LAW ENFORCEMENT AGENCIES AND OFFICERS	TO USE
3	ADVAN	CED ELECTRONIC VERIFICATION TECHNOLOGY TO IDENTIFY	MOTOR
4	VEHICLI	ES BEING OPERATED ON THE PUBLIC STREETS AND HIGHWA	AYS AND
5			NANCIAL
6		SIBILITY.	
7		hereas, a significant number of motor vehicles are operating on t	-
8		North Carolina without financial responsibility as defined by Chapter	20 of the
9		na General Statutes; and	
10		hereas, the operation of motor vehicles without financial resp	ponsibility
11		increases the risk of harm to the motoring public; and	0
12		hereas, there is currently technology which would enable law en	
13		accurately to identify motor vehicles operating on the public highways	
14		nout financial responsibility, thereby significantly reducing the risk of h	arm to the
15	motoring pub		£
16 17		hereas, the General Assembly of North Carolina finds that as a matter	-
17 18		e implementation of such technology is in the best interests of public sat ays of North Carolina; Now, therefore,	ety on the
10 19		Assembly of North Carolina enacts:	
20		ECTION 1. Article 13 of Chapter 20 of the General Statutes is an	pended by
20		section to read:	ichucu by
22	0	Use of electronic verification systems to verify financial responsibility	tv.
23		uthorization. – Electronic verification systems may be used by	
24		agencies and officers to electronically identify motor vehicles operati	
25		s and highways and public vehicular areas without financial respon	-
26		uant to G.S. 20-309.	
27		efinition. – As used in this section, an electronic verification system is a	mobile or
28	fixed device ((i) consisting of an electronically automated camera and sensor and (ii)	capable of
29	producing of	ne or more digital photographs of a motor vehicle violating the	financial
30	responsibility	laws established pursuant to G.S. 20-309.	
31	<u>(c)</u> <u>M</u>	inimum Standards An electronic verification system authorized for u	ise by this
32		produce at least one photograph that clearly shows a recorded image of t	
33	-	umber and state of issuance and the date, time, and location of the violat	
34		gnage The Department of Transportation may provide notice of the p	
35		rification systems by posting conspicuous warning signs along State-r	
36		Il warning signs shall be consistent with a statewide standard adopt	ed by the
37	Department o	f Transportation.	



	General Assembly of North Carolina Session 2	011
1	(e) Use. – An electronic verification system authorized for use by this section shall	l be
2	approved by the Secretary of Crime Control and Public Safety.	
3	(f) Penalty. – Except as provided by subsection (j) of this section, a violation	of
4	G.S. 20-309 that is detected by an electronic verification system is a noncriminal violation	
5	which a civil penalty shall be assessed and for which no points authorized by G.S. 20-10	
6	shall be assigned to the owner or driver of the vehicle nor insurance points as authorized	
7	G.S. 58-36-65. The civil penalty shall be three hundred dollars (\$300.00).	
8	(g) Clear Proceeds of Penalties. – The clear proceeds of all civil penalties, c	ivil
9	forfeitures, and civil fines that are collected by the Department of Transportation pursuan	
10	this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance v	
11	G.S. 115C-457.2.	
12	(h) Notification of Violation. – The Division of Motor Vehicles shall issue to	the
13	registered owner of a motor vehicle cited for a financial responsibility violation detected by	
14	electronic verification system a notice of the violation containing all of the information lister	
15	this subsection. The notice shall be delivered by first-class United States mail at the address	
16	the current registration of the vehicle's owner and is deemed served on the registered ow	
17	five days after the mailing. The notice of the violation shall contain all of the following:	
18	(1) The vehicle registration number and state of issuance.	
19	(2) The date, time, and location of the violation.	
20	$\overline{(3)}$ The process for paying the civil penalty or contesting the own	er's
21	responsibility for the violation.	
22	(i) Liability. – The registered owner of a vehicle cited for a financial responsibility.	lity
23	violation detected by an electronic verification system shall be responsible for any pen-	alty
24	imposed under this section unless, within 30 days of service of the notification of violation,	the
25	owner provides to the Division of Motor Vehicles a sworn affidavit containing the informat	tion
26	listed in one of the subdivisions of this subsection. If the registered owner fails to pay the c	ivil
27	penalty or fails to respond to the notice within 30 days of service of the violation	of
28	notification, the owner waives the right to contest responsibility for the violation, is subject	t to
29	the civil penalty of three hundred dollars (\$300.00), and shall have the registered own	
30	drivers license and registration revoked indefinitely until the civil penalty is paid and proo	<u>f of</u>
31	financial responsibility is provided to the Division.	
32	The sworn affidavit shall contain one of the following:	
33	(1) The name and address of the person or persons who had or may have	had
34	actual physical control of the vehicle at the time of the violation.	
35	(2) <u>A statement that at the time of the violation the vehicle was under the con</u>	
36	of a person unknown to the owner, without the owner's permission	
37	statement provided under this subdivision shall be accompanied	
38	documentation verifying that the owner reported to appropriate	
39	enforcement officials the theft or other loss of the vehicle before the date	<u>to e</u>
40	the violation.	
41	(j) Notification of Criminal Charges. – If a law enforcement officer cites, pursuan	
42	G.S. 15A-302, or arrests, pursuant to G.S. 15A-401, an owner of a vehicle who is also cited	
43	an electronic verification system in use for detecting violations of G.S. 20-309, then the off	
44 45	shall notify the Division of Motor Vehicles within 48 hours of the citation or arrest. U	-
45 46	notification, the Division shall not issue a notice of violation pursuant to subsection (h) of	
46 47	section. If it is determined that a notice of violation was issued in error after proper notification and any papelty already paid shall be refunded	lon,
47 48	no penalty may be imposed, and any penalty already paid shall be refunded.	on
48 49	(k) <u>Administrative Hearings. – The Division of Motor Vehicles shall establish</u> administrative nonjudicial hearing process to review challenges to penalties assessed pursu	
49 50	to this section.	iant
50		

 (1) Appeal. – A person dissatisfied with the decision of the Division may appeal the decision to the district court of Wake County, or the county in which the violation occurred, by filing a notice of the appeal with the Clerk of Superior Court in Wake County or the county or the county or the district court." An appeal under this section is for a trial de novo before the district court." SECTION 2. Article 13 of Chapter 20 of the General Statutes is amended by adding a new section to read: "\$20-309.4. Results of electronic verification systems; admissibility. (a) Admissibility. – The results of the use of an electronic verification system satisfying the requirements of subsection (b) of this section and authorized by G.S. 20-309.3 shall be admissible as prima facic evidence for the purpose of establishing that the operator of the vehicle failed to maintain in full force and effect a policy of financial responsibility as required by G.S. 20-309. (b) Calibration and Testing. – All electronic verification systems shall be calibrated and tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety. A writen certificate by a certified technician meeting the standards established by the Department of G.S. 20-309. (c) Indicial Notice. – In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309. motice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." \$20-311. Action by the Division receives evidence, by a notice of termination of a motor vehicle flability policy or otherwise, that the owner fa motor vehicle registered or megistered in the State does not have financial responsibility. (a) Action. – When the Division receives evidence, by a notice		General Assemb	ly of North Carolina	Session 2011
 decision to the district court of Wake County, or the county in which the violation occurred, by diling a notice of the appeal with the Clerk of Superior Court in Wake County or the county where the violation occurred within 30 days of notification of a final decision by the Division. An appeal under this section is for a trial de novo before the district court." SECTION 2. Article 13 of Chapter 20 of the General Statutes is amended by adding a new section to read: *2 0-309.4. Results of electronic verification systems; admissibility. (a) Admissibility. — The results of the use of an electronic verification system satisfying the requirements of subsection (b) of this section and authorized by G.S. 20-309.3 shall be admissibile as prima facie evidence for the purpose of establishing that the operator of the vehicle failed to maintain in full force and effect a policy of financial responsibility as required by G.S. 20-309. (b) Calibration and Testing. – All electronic verification systems shall be calibrated and tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety. Nowing that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. (c) Judicial Notice, – In every proceeding in which the results of an electronic verification system are sought to be approving the electronic sepsed-measuring system and the procedures for calibration or testing for accuracy of the system." *S2CTION 3, G.S. 20-311 reads as rewritten: *S2D31. Action by the Division thero outfied of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, th	1	(l) Appea	l. – A person dissatisfied with the decision of the	Division may appeal the
 where the violation occurred within 30 days of notification of a final decision by the Division An appeal under this section is for a trial de novo before the district court." SECTION 2. Article 13 of Chapter 20 of the General Statutes is amended by adding a new section to read: "§ 20-309.4. Results of electronic verification systems; admissibility. (a) Admissibility The results of the use of an electronic verification system satisfying the requirements of subsection (b) of this section and authorized by G.S. 20-309. Shall be admissible as prima facie evidence for the purpose of establishing that the operator of the vehicle failed to maintain in full force and effect a policy of financial responsibility as required by G.S. 20-309. (b) Calibration and Testing All electronic verification systems shall be calibrated and tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety showing that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. (c) Judicial Notice In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309. verification system are sought to be admitted for the system." SECTION 3. G.S. 20-311 reads as rewritten: "S 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor which registered or required to be registered in this State does not have financial responsibility for the operation of the vehicle. He Division shall set the owner has not had a lapse in financial responsibility for the vehicle. Based on the owner's responds within the required time an	2	decision to the dis	strict court of Wake County, or the county in which	the violation occurred, by
5 An appeal under this section is for a trial de novo before the district court." 6 SECTION 2. Article 13 of Chapter 20 of the General Statutes is amended by adding a new section to read: 8 *20-309.4. Results of electronic verification systems: admissibility. 9 (a) Admissibility	3	filing a notice of	the appeal with the Clerk of Superior Court in Wa	ake County or the county
6 SECTION 2. Article 13 of Chapter 20 of the General Statutes is amended by 7 adding a new section to read: 8 20-309.4. Results of electronic verification systems; admissibility. 9 (a) Admissibility. — The results of the use of an electronic verification system satisfying 10 the requirements of subsection (b) of this section and authorized by G.S. 20-309. Ashall be 11 the requirements of subsection (b) of this section and authorized by G.S. 20-309. 12 vehicle failed to maintain in full force and effect a policy of financial responsibility as required 12 vehicle Ailed to maintain in full force and effect a policy of financial responsibility as required 13 by G.S. 20-309. 14 (b) Calibration and Testing. – All electronic verification systems shall be calibrated and 14 tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety showing that a test was 16 c) Ladicial Notice. – In every proceeding in which the results of an electronic 17 werification system are sought to be admitted for the purpose of enforcement of G.S. 20-309. 18 readers for calibration or testing for accuracy of the system." 18 SeCTION 3. G.S. 20-311 reads as rewritten: 18 20-311. Action by the Division men notified of a la	4	where the violation	on occurred within 30 days of notification of a final	decision by the Division.
 adding a new section to read: "\$ 20-309.4. Results of electronic verification systems; admissibility. (a) Admissibility. — The results of the use of an electronic verification system satisfying the requirements of subsection (b) of this section and authorized by G.S. 20-309.3 shall be the vehicle failed to maintain in full force and effect a policy of financial responsibility as required by G.S. 20-309. (b) Calibration and Testing. – All electronic verification systems shall be calibrated and tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety. A written certificate by a certified technician meeting the standards established by the Department of Crime Control and Public Safety showing that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. (c) Judicial Notice. – In every proceeding in which the results of an electronic verification system are sought to be admitted for the system." SECTION 3. G.S. 20-311 reads as rewritten: "\$ 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the oyeration of the vehicle, the Division shall ased the owner rasponds within the required time and the response biblity. (1) Division correction. – If the owner responds within the required time and the responsibility on the vehicle. Based on the owner has not had a lapse in financial responsibility, but he owner now has financial responsibility, but the owner now has financial responsibility. (2) Penalty only. – If the owner responds within the required time and the response biblishes all of the following,	5	An appeal under t	his section is for a trial de novo before the district co	ourt."
 ⁸ 20-309.4. Results of electronic verification systems; admissibility. (a) Admissibility The results of the use of an electronic verification system satisfying the requirements of subsection (b) of this section and authorized by G.S. 20-309.3 shall be admissible as prima facie evidence for the purpose of establishing that the operator of the vehicle failed to maintain in full force and effect a policy of financial responsibility as required by G.S. 20-309. (b) Calibration and Testing All electronic verification systems shall be calibrated and tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety showing that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. (c) Judicial Notice In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309, notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." SECTION 3. G.S. 20-311 rada as rewriten: "§ 20.311. Action by the Division when notifed of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered in this State does not have financial responsibility for the over of the evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility, but the owner now thas financial responsibility, but the owner now thas financial responsibility, but the owner now thas financial responsibility.	6	SECT	ION 2. Article 13 of Chapter 20 of the General	l Statutes is amended by
9 (a) Admissibility.—The results of the use of an electronic verification system satisfying the requirements of subsection (b) of this section and authorized by G.S. 20-309.3 shall be admissible as prima facie evidence for the purpose of establishing that the operator of the vehicle failed to maintain in full force and effect a policy of financial responsibility as required by G.S. 20-309. (b) Calibration and Testing.—All electronic verification systems shall be calibrated and tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety. A written certificate by a certified technician meeting the standards established by the Department of Crime Control and Public Safety showing that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. (c) Judicial Notice.—In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309, notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." 78 SECTION 3. G.S. 20-311 reads as rewritten: 78 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action.—When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the overice esponsibility for the vehicle. Based on the owner's responds within the required time and the response establishes that the owner has not had a lapse in financial respon	7	adding a new sect	ion to read:	-
10 the requirements of subsection (b) of this section and authorized by G.S. 20-309.3 shall be admissible as prima facic evidence for the purpose of establishing that the operator of the vehicle failed to maintain in full force and effect a policy of financial responsibility as required by G.S. 20-309. 11 (b) Calibration and Testing. – All electronic verification systems shall be calibrated and tested at regular intervals purposuant to standards established by the Department of Crime Control and Public Safety showing that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. 12 (c) Judicial Notice. – In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309. notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." 14 wirfication system are sought to be admitted for the purpose of a motor vehicle registered or required to be registered in this State does not have financial responsibility. 16 (a) Action. – When the Division receives evidence, by a notice of the operation of the evidence and inform the owner that the owner shall responds within 10 days of the date on the electronic speed-measuring system and the response bility for the vehicle. Based on the owner responds within the required time and the response bility on otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the vehicle. Based on the owner responds within the required time and the res	8	" <u>§ 20-309.4. Res</u>	ults of electronic verification systems; admissibili	<u>ty.</u>
11 admissible as prima facie evidence for the purpose of establishing that the operator of the vehicle failed to maintain in full force and effect a policy of financial responsibility as required by G.S. 20-309. 14 (b) Calibration and Testing. – All electronic verification systems shall be calibrated and tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety. A written certificate by a certified technician meeting the standards established by the Department of Crime Control and Public Safety showing that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. (c) Judicial Notice. – In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309, notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." 24 SECTION 3. G.S. 20-311 reads as rewritten: 25 \$20-311. Action by the Division when notified of a lapse in financial responsibility. 26 Action. – When the Division vene role a motor vehicle registered or required to be registered in this State does not have financial responsibility for the ovener of the evidence and inform the owner shall respond to the letter within 10 days of the evidence and inform the owner that the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner has not had a lapse in financial responsibility for the vehicle. Based on the owner has not had a lapse in financial responsibility, the Division shall caster response establishes	9	(a) Admis	sibility The results of the use of an electronic ver	ification system satisfying
 vehicle failed to maintain in full force and effect a policy of financial responsibility as required by G.S. 20-309. (b) Calibration and Testing. – All electronic verification systems shall be calibrated and tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety. A written certificate by a certified technician meeting the standards established by the Department of Crime Control and Public Safety showing that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. (c) Judicial Notice. – In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309. notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." SECTION 3. G.S. 20-311 reads as rewritten: *\$ 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered in this State does not have financial responsibility to the operation of the vehicle, the Division shall send the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility of the vehicle. Based on the owner has not had a lapse in financial responsibility, the Division shall correct its records. (1) Division correction. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this sectio	10	the requirements	of subsection (b) of this section and authorized b	by G.S. 20-309.3 shall be
 by G.S. 20-309. (b) Calibration and Testing. – All electronic verification systems shall be calibrated and tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety. A written certificate by a certified technician meeting the standards established by the Department of Crime Control and Public Safety Solving that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. (c) Judicial Notice. – In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309, notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." *SECTION 3. G.S. 20-311 reads as rewritten: *§ 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner responds within the required time and the response establishes all of the following, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: (a) The owner had a lapse in financial responsibility, but the owner now has financial responsibility.	11	admissible as pri	ma facie evidence for the purpose of establishing	that the operator of the
 by G.S. 20-309. (b) Calibration and Testing. – All electronic verification systems shall be calibrated and tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety. A written certificate by a certified technician meeting the standards established by the Department of Crime Control and Public Safety showing that a test was made within the required testing period and that the system was accurate shall be competent and prima facic evidence of those facts. (c) Judicial Notice. – In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309, potice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." SECTION 3. G.S. 20-311 reads as rewritten: *§ 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in	12	vehicle failed to r	naintain in full force and effect a policy of financial	responsibility as required
15 tested at regular intervals pursuant to standards established by the Department of Crime Control and Public Safety. A written certificate by a certified technician meeting the standards 16 and Public Safety. A written certificate by a certified technician meeting the standards 17 established by the Department of Crime Control and Public Safety showing that a test was 18 made within the required testing period and that the system was accurate shall be competent 19 and prima facie evidence of those facts. 10 (c) Judicial Notice. – In every proceeding in which the results of an electronic 19 registration or testing for accuracy of the system." 20 registration or testing for accuracy of the system." 21 SECTION 3. G.S. 20-311 reads as rewritten: 22 SECTION 3. G.S. 20-311 reads as rewritten: 23 SECTION 3. G.S. 20-311 reads as rewritten: 24 SECTION 3. G.S. 20-311 reads as rewritten: 25 20-311. Action p the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner shall respond to the letter within 10 days of the evidence and inform the owner that the owner stepsonse, the Division shall take the appropriate action listed: 21 (1)	13			
16 and Public Safety. A written certificate by a certified technician meeting the standards established by the Department of Crime Control and Public Safety showing that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. 20 (c) Judicial Notice In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309, notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." 24 "SECTION 3. G.S. 20-311 reads as rewritten: 25 "§ 20-311. Action by the Division when notified of a lapse in financial responsibility. 26 (a) Action When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the evidence and inform the owner that the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner responds within the required time and the responsibility for the vehicle. Based on the owner responds within the required time and the responsibility in the amount set in subsection (b) of this section: 26 (1) Division correction If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: 27 (2) Penalty only If the owner responds within the required	14	(b) Calibra	ation and Testing All electronic verification system	ms shall be calibrated and
 established by the Department of Crime Control and Public Safety showing that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. (c) Judicial Notice In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309, notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." SECTION 3. G.S. 20-311 reads as rewritten: "§ 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, for the operation whas financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner during the lapse with knowledge that the owner responds within the required time and the response	15	tested at regular in	ntervals pursuant to standards established by the Dep	partment of Crime Control
18 made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts. 20 (c) Judicial Notice. – In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309, notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." 24 SECTION 3. G.S. 20-311 reads as rewritten: 25 "\$20-311. Action by the Division when notified of a lapse in financial responsibility. 26 (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the evidence and inform the owner that the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner has not had a lapse in financial responsibility for the vehice. Based on the owner responds within the required time and the response establishes that the owner nesponds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: 30 (2) Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: 31 (2) Penalt	16	and Public Safet	y. A written certificate by a certified technicia	n meeting the standards
 and prima facie evidence of those facts. (c) Judicial Notice. – In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309, notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." SECTION 3. G.S. 20-311 reads as rewritten: "§ 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner shall response to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. (2) Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner did not operate the vehicle during the lapse in financial responsibility. (3) Penalty and revocation. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner did not operate the veh	17	established by the	e Department of Crime Control and Public Safety	showing that a test was
20 (c) Judicial Notice In every proceeding in which the results of an electronic verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309, notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." 22 sECTION 3. G.S. 20-311 reads as rewritten: 23 "§ 20-311. Action by the Division when notified of a lapse in financial responsibility. 24 a Action When the Division receives evidence, by a notice of termination of a motor vehicle registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner's response, the Division shall take the appropriate action listed: 24 (1) Division correction If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. 27 (2) Penalty only If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: 28 0. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. 29 b. The owner had a lapse in financial responsibility	18	made within the	required testing period and that the system was accurate	curate shall be competent
 verification system are sought to be admitted for the purpose of enforcement of G.S. 20-309, notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." SECTION 3. G.S. 20-311 reads as rewritten: "\$ 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct is records. (2) Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. 	19	and prima facie ev	vidence of those facts.	
 notice shall be taken of the rules approving the electronic speed-measuring system and the procedures for calibration or testing for accuracy of the system." SECTION 3. G.S. 20-311 reads as rewritten: \$20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. (2) Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. 47 (3) Penalty and revocation. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner did not operate the vehicle during the lapse with knowledge that t	20	(c) Judicia	l Notice In every proceeding in which the	results of an electronic
 procedures for calibration or testing for accuracy of the system." SECTION 3. G.S. 20-311 reads as rewritten: "§ 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner shall responsib to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in an accident during the lapse with knowledge that the owner responds within the required time and the response establishes and not operate the vehicle during the lapse with knowledge that the owner responds within the required time and the response establishes and on operate the vehicle during the lapse with knowledge that the owner responds within the required time and the response establishes and of the following, the Division shall assess the owner vehicle. 		verification system	n are sought to be admitted for the purpose of enf	forcement of G.S. 20-309,
 SECTION 3. G.S. 20-311 reads as rewritten: "\$ 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. (2) Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner now has financial responsibility. (3) The vehicle was not involved in an accident during the lapse in financial responsibility. (4) C. The owner did not operate the vehicle during the lapse with knowledge that the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner whice. (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: (4) C. The owner did not operate the vehicle during the lapse with knowledge that the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penal		notice shall be ta	ken of the rules approving the electronic speed-n	neasuring system and the
 25 "\$ 20-311. Action by the Division when notified of a lapse in financial responsibility. (a) Action When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. (2) Penalty only If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility. b. The vehicle was not involved in an accident during the lapse with knowledge that the owner had no financial responsibility for the vehicle. 44 C. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. 47 (3) Penalty and revocation If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle <u>and the owner'</u>	23	procedures for cal	ibration or testing for accuracy of the system."	
 (a) Action. – When the Division receives evidence, by a notice of termination of a motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. (2) Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner did not operate the vehicle during the lapse with knowledge that the owner responds within the required time and the financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner vehicle. 		SECT	ION 3. G.S. 20-311 reads as rewritten:	
 motor vehicle liability policy or otherwise, that the owner of a motor vehicle registered or required to be registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. (2) Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. Penalty and revocation. – If the owner responds within the required time and the response between the owner has not involved in an accident during the lapse with knowledge that the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsec		"§ 20-311. Action	n by the Division when notified of a lapse in finan	cial responsibility.
 required to be registered in this State does not have financial responsibility for the operation of the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner responds within the required time and the whicle. 47 (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a a penalty in the amount set in subsection (b) of this section: 		. ,		
 the vehicle, the Division shall send the owner a letter. The letter shall notify the owner of the evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. (2) Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner responds within the required time and the vehicle. (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner financial responsibility for the vehicle. 		motor vehicle lia	bility policy or otherwise, that the owner of a me	otor vehicle registered or
 evidence and inform the owner that the owner shall respond to the letter within 10 days of the date on the letter and explain how the owner has met the duty to have continuous financial responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. (2) Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner responds within the required time and the vehicle. (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: 			-	•
31date on the letter and explain how the owner has met the duty to have continuous financial32responsibility for the vehicle. Based on the owner's response, the Division shall take the33appropriate action listed:34(1)Division correction. – If the owner responds within the required time and the35response establishes that the owner has not had a lapse in financial36responsibility, the Division shall correct its records.37(2)Penalty only. – If the owner responds within the required time and the38response establishes all of the following, the Division shall assess the owner39a penalty in the amount set in subsection (b) of this section:40a.The owner had a lapse in financial responsibility, but the owner now41has financial responsibility.42b.The vehicle was not involved in an accident during the lapse in43financial responsibility.44c.The owner did not operate the vehicle during the lapse with45knowledge that the owner responds within the required time and46vehicle.47(3)Penalty and revocation. – If the owner responds within the required time and48the response establishes any of the following, the Division shall assess the49owner a penalty in the amount set in subsection (b) of this section and50revoke the registration of the owner's vehicle and the owner's drivers license				
 responsibility for the vehicle. Based on the owner's response, the Division shall take the appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. (2) Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle and the owner's drivers license 	30			
 appropriate action listed: (1) Division correction. – If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. (2) Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle and the owner's drivers license 	31			
34(1)Division correction If the owner responds within the required time and the response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records.37(2)Penalty only If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility.40a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility.41b. financial responsibility.42b. The vehicle was not involved in an accident during the lapse in financial responsibility.44c. the owner did not operate the vehicle during the lapse with knowledge that the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle and the owner's drivers license	32	responsibility for	the vehicle. Based on the owner's response, the	e Division shall take the
 response establishes that the owner has not had a lapse in financial responsibility, the Division shall correct its records. Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle <u>and the owner's drivers license</u> 	33	appropriate action	listed:	
 responsibility, the Division shall correct its records. Penalty only. – If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: The owner had a lapse in financial responsibility, but the owner now has financial responsibility. The vehicle was not involved in an accident during the lapse in financial responsibility. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle and the owner's drivers license 	34	(1)	Division correction If the owner responds within	the required time and the
 (2) Penalty only If the owner responds within the required time and the response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. 47 (3) Penalty and revocation If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle and the owner's drivers license 	35		response establishes that the owner has not h	ad a lapse in financial
 response establishes all of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle and the owner's drivers license 	36		responsibility, the Division shall correct its records	
 a penalty in the amount set in subsection (b) of this section: a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle <u>and the owner's drivers license</u> 	37	(2)	Penalty only If the owner responds within the	ne required time and the
 40 40 a. The owner had a lapse in financial responsibility, but the owner now has financial responsibility. 42 42 43 44 44 44 45 45 46 47 (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle <u>and the owner's drivers license</u> 			response establishes all of the following, the Divisi	ion shall assess the owner
 41 has financial responsibility. 42 b. The vehicle was not involved in an accident during the lapse in financial responsibility. 44 c. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. 47 (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle <u>and the owner's drivers license</u> 	39		1 · ·	
 b. The vehicle was not involved in an accident during the lapse in financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle <u>and the owner's drivers license</u> 	40		a. The owner had a lapse in financial response	ibility, but the owner now
 financial responsibility. c. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle <u>and the owner's drivers license</u> 			1 1	
 c. The owner did not operate the vehicle during the lapse with knowledge that the owner had no financial responsibility for the vehicle. (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle and the owner's drivers license 			b. The vehicle was not involved in an acci	dent during the lapse in
 45 knowledge that the owner had no financial responsibility for the vehicle. 47 (3) Penalty and revocation If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle and the owner's drivers license 			financial responsibility.	
 46 vehicle. 47 (3) Penalty and revocation. – If the owner responds within the required time and the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle and the owner's drivers license 			-	
 47 (3) Penalty and revocation If the owner responds within the required time and 48 the response establishes any of the following, the Division shall assess the 49 owner a penalty in the amount set in subsection (b) of this section and 50 revoke the registration of the owner's vehicle and the owner's drivers license 			•	ial responsibility for the
 the response establishes any of the following, the Division shall assess the owner a penalty in the amount set in subsection (b) of this section and revoke the registration of the owner's vehicle and the owner's drivers license 				
49owner a penalty in the amount set in subsection (b) of this section and50revoke the registration of the owner's vehicle and the owner's drivers license		(3)	•	-
50 revoke the registration of the owner's vehicle <u>and the owner's drivers license</u>				
-				
51 for the period set in subsection (c) of this section:			-	he owner's drivers license
	51		for the period set in subsection (c) of this section:	

	General Assemb	ly of North Carolina	Session 2011
1 2		a. The owner had a lapse in finate have financial responsibility.	ncial responsibility and still does not
3			responsibility even though the owner
4		had a lapse, but the vehicle wa	as involved in an accident during the
5		lapse, the owner operated t	he vehicle during the lapse with
6		knowledge that the owner had	d no financial responsibility for the
7		vehicle, or both.	- ·
8	(4)	Revocation pending response If the	e owner does not respond within the
9		required time, the Division shall assess	the owner a penalty in the amount set
0		in subsection (b) of this section and r	evoke the registration of the owner's
1		vehicle and the owner's drivers license	_for the period set in subsection (c) of
2		this section. When the owner resp	onds, the Division shall take the
3		appropriate action listed in subdivision	s (1) through (3) of this subsection as
4		if the response had been timely.	
5	(b) Penalt	y Amount The following table dete	ermines the The amount of a penalty
6		s section by an owner who has had a lap	
7		<u>llars (\$300.00).responsibility; the amoun</u>	
8		assessed a penalty under this section du	uring the three year period before the
9		current lapse began:	
20	Numb	er of Lapses in Previous Three Years	Penalty Amount
21		None	\$50.00
2		One	\$100.00
3		Two or More	\$150.00
24		ation Period. – The revocation period	-
25		hat a vehicle owner does not have financi	
6		pays all assessed fines, penalties, and	
27		transfers the vehicle to an owner w	
8		ation period for a revocation based	-
9		accident during a lapse in financial resp	
50 1		t financial responsibility is 30 days. Th	
1		of a vehicle owner to respond is in	
2		s and pays all assessed fines, penaltic	
83 84		bility or transfers the vehicle to an owne	
	. ,	eation Notice. – When the Division re	0
85		notify the owner of the revocation. The	nouce shan inform the owner of the
86 87	following:	That the owner shall return the vehicle	la's registration plate and registration
8	(1)	That the owner shall return the vehicle card to the Division, if the owner has n	• • •
19 19		do so is a Class 2 misdemeanor under (•
0	(2)	That the vehicle's registration plate	
1	(2)	seizure by a law enforcement officer.	and registration card are subject to
2	(2)	That the registration of the vehicle can	not be renewed while the registration
.2	(3)	is revoked.	mot be renewed while the registration
4	(4)	That the owner shall pay any penalties	assassed a restoration for and the for
-45	(4)	for a registration plate when the owne	
5 6		vehicle whose registration was revoked	
7	(5)	That the owner's drivers license is	
8	<u>(5)</u>	provisions of this section.	tevokea anti compitance with the
.9	(e) Regist	tration After Revocation. – A vehicle	whose registration has been revolved
0		tered during the revocation period in the	-
1	• •	's spouse, or a child of the owner's spous	
1	owner, me owner	s spouse, or a child of the owner's spous	se. This resultation does not apply to a

1	1	ving separate and apart from the owner. At the end of a revocation period, a
2		who has financial responsibility may apply to register a vehicle whose
3	•	revoked. The owner shall pay any penalty assessed, a restoration fee of fifty
4		and the fee for a registration plate.
5		ration of Drivers License. – A person whose drivers license has been revoked
6		section may have his or her license restored after all fines and penalties
7	-	t to this section and a restoration fee established pursuant to G.S. 20-7(i1) have
8	been paid.	
9	. ,	Proceeds of Penalties. – The clear proceeds of all civil penalties, civil
10		ivil fines that are collected by the Department of Transportation pursuant to
11		be remitted to the Civil Penalty and Forfeiture Fund in accordance with
12	G.S. 115C-457.2	
13		thstanding the penalty and restoration fee provisions of this section, any
14	• • •	y or restoration fee shall be waived for any person who, at the time of
15		lapse in coverage, was deployed as a member of the United States Armed
16		the continental United States for a total of 45 or more days. In addition, no
17	-	under the Safe Driver Incentive Plan shall be assessed for any violation for
18		y penalty or restoration fee is waived pursuant to this subsection. Any person
19		this subsection shall:
20	(1)	Have an affirmative defense to any criminal charge based upon the failure to
21		return any registration card or registration plate to the Division;
22	(2)	Upon reregistration, receive without cost from the Division all necessary
23		registration cards or plates; and
24	(3)	Upon notice of revocation, be permitted to transfer the vehicle's registration
25		immediately to his or her spouse, child, or spouse's child, notwithstanding
26		the provisions of subsection (e) of this section."
27		TON 4. The Department of Crime Control and Public Safety shall implement
28		chnology no later than January 1, 2012. The Department of Crime Control and
29	•	all request proposals for contracts to provide electronic verification system
30		vate service providers offering such technology. The Department shall set as
31	minimum standar	e
32	(1)	Provide to the current law enforcement mobile units and provide to
33		additional mobile units operated by law enforcement officers technological
34		equipment with the capacity to identify at least eighty percent (80%) of the
35		motor vehicles being operated on public streets and highways and public
36		vehicular areas without financial responsibility during a 12-month cycle.
37	(2)	Provide to law enforcement agencies and officers technological equipment
38		that has the capacity to identify motor vehicles being operated without
39		financial responsibility within five seconds from the time such motor
40		vehicles are identified.
41	(3)	Provide technological capability, which would enable the Division of Motor
42		Vehicles to take the appropriate action as provided in G.S. 20-309.3, in real
43		time, after a motor vehicle is identified as operating on the public streets and
44	(A)	highways and public vehicular areas without financial responsibility.
45	(4)	Have technological capability that would enable the Division of Motor
46 47		Vehicles to notify the owner within a reasonable amount of time that such
47 48		motor vehicle was operating on the public highways of North Carolina without financial responsibility
48 49	(5)	without financial responsibility. Provide such technological canability to the Department of Crime Control
49 50	(5)	Provide such technological capability to the Department of Crime Control and Public Safety for a duration of no loss than five years
50		and Public Safety for a duration of no less than five years.

General Assembly of North Carolina

Session 2011

	General Assembly of North Carolina Session	
1	(6) Not receive any public funding for providing the Department of Crime	
2	Control and Public Safety such technological capability until such	
3	technology is implemented and operational.	
4	SECTION 5. This act is effective when it becomes law. Prosecutions for offenses	
5	committed before the effective date of this act are not abated or affected by this act, and the	
~		

6 statutes that would be applicable but for this act remain applicable to those prosecutions.