

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2014-96
HOUSE BILL 101**

AN ACT TO REAUTHORIZE EXPIRED SPECIAL REGISTRATION PLATES, TO AUTHORIZE ADDITIONAL SPECIAL REGISTRATION PLATES TO BE ON A BACKGROUND OTHER THAN THE "FIRST IN FLIGHT" BACKGROUND, AND TO ESTABLISH A PROCESS BY WHICH PERSONS OR ORGANIZATIONS MUST OBTAIN A MINIMUM NUMBER OF PAID APPLICATIONS PRIOR TO OBTAINING LEGISLATIVE APPROVAL FOR THE DEVELOPMENT OF A SPECIAL REGISTRATION PLATE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Any special registration plate authorized under G.S. 20-79.4 that expired as a matter of law on July 1, 2013, pursuant to G.S. 20-79.8, is reenacted. The corresponding provisions for fees under G.S. 20-79.7(a1) and (b) and any other corresponding requirements for the plates under G.S. 20-81.12 are also reenacted. A special registration plate reenacted under this section is subject to the requirements of G.S. 20-63(b1) if the plate is authorized to be on a background other than a "First in Flight" background.

SECTION 1.(b) This section is effective when it becomes law. A special registration plate reenacted by this section shall expire, as a matter of law, on October 1, 2014, if the required number of applications for the special registration plate has not been received by the Division of Motor Vehicles by that date. The notification procedure and the responsibilities of the Revisor of Statutes for a special registration plate that expires pursuant to this subsection shall be in accordance with G.S. 20-79.8 except that the notification date shall be no later than October 15, 2015. The Division shall not accept applications for nor advertise any special registration plate that has expired pursuant to this subsection.

SECTION 2. G.S. 20-63(b1) reads as rewritten:

"(b1) The following special registration plates do not have to be a "First in Flight" plate as provided in subsection (b) of this section. The design of the plates that are not "First in Flight" plates must be developed in accordance with G.S. 20-79.4(a3). For special plates authorized in G.S. 20-79.7 on or after July 1, 2013, the Division may not issue the plate on a background under this subsection unless it receives at least 200 applications for the plate in addition to the applications required under G.S. 20-79.4 or G.S. 20-81.12.

- (1) Friends of the Great Smoky Mountains National Park.
- (2) Rocky Mountain Elk Foundation.
- (3) Blue Ridge Parkway Foundation.
- (4) Friends of the Appalachian Trail.
- (5) NC Coastal Federation.
- (6) In God We Trust.
- (7) Stock Car Racing Theme.
- (8) Buddy Pelletier Surfing Foundation.
- (9) Guilford Battleground Company.
- (10) National Wild Turkey Federation.
- (11) North Carolina Aquarium Society.
- (12) First in Forestry.
- (13) North Carolina Wildlife Habitat Foundation.
- (14) NC Trout Unlimited.
- (15) Ducks Unlimited.
- (16) Lung Cancer Research.
- (17) NC State Parks.



- (18) Support Our Troops.
- (19) US Equine Rescue League.
- (20) Fox Hunting.
- (21) Back Country Horsemen of North Carolina.
- (22) Hospice Care.
- (23) Home Care and Hospice.
- (24) NC Tennis Foundation.
- (25) AIDS Awareness.
- (26) Donate Life.
- (27) Farmland Preservation.
- (28) Travel and Tourism.
- (29) Battle of Kings Mountain.
- (30) NC Civil War.
- (31) North Carolina Zoological Society.
- (32) United States Service Academy.
- (33) Carolina Raptor Center.
- (34) Carolinas Credit Union Foundation.
- (35) North Carolina State Flag.
- (36) NC Mining.
- (37) Coastal Land Trust.
- (38) ARTS NC.
- (39) Choose Life.
- (40) North Carolina Green Industry Council.
- (41) NC Horse Council.
- (42) Core Sound Waterfowl Museum and Heritage Center.
- (43) Mountains-to-Sea Trail, Inc.
- (44) Native Brook Trout.
- (45) Red Drum.
- (46) S.T.A.R.
- (47) Alpha Phi Alpha."

SECTION 3.(a) Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-79.3A. Requirements to establish a special registration plate.

(a) Minimum Number of Paid Applications. – An applicant under this section is a person, organization, or other legal entity seeking authorization to establish a special registration plate for a motor vehicle or a motorcycle. An applicant must obtain the minimum number of paid applications from potential purchasers before submitting a Special Registration Plate Development Application to the Division. A "paid application" means an application completed by a potential purchaser and submitted to the applicant requesting purchase of the special registration plate being proposed by the applicant plus payment of the proposed additional fee amount. The minimum number of paid applications is as follows:

- (1) 300 for a special registration plate on a standard background described in G.S. 20-63(b).
- (2) 500 for a special registration plate on a background authorized under G.S. 20-63(b1).

(b) Application. – An applicant must submit all of the items listed in this subsection to the Division by February 15 in order for a bill authorizing the special registration plate to be considered for approval during the legislative session being held that year. The Division shall consider an application received after February 15 for approval in the legislative session that begins in the year following the submission date. The application items must include:

- (1) A completed Special Registration Plate Development Application.
- (2) A fee equal to number of paid applications received by the applicant, which shall be no less than the minimum number of paid applications required under subsection (a) of this section, multiplied by the proposed additional fee amount stated on the Special Registration Plate Development Application submitted by the applicant.

(c) Report to General Assembly. – On or before March 15 of each year, the Division shall submit to the Chairs of the House and Senate Transportation Committees, the Chairs of the House and Senate Finance Committees, and the Research Division of the General Assembly

a report that identifies each applicant that has applied for a special registration plate to be authorized in the legislative session being held that year and indicates whether the applicant met the requirements of this section. If an applicant meets the requirements of this section, then a bill may be considered during the legislative session being held that year to authorize a special registration plate for the applicant that submitted the application.

(d) Legislative Approval. – If a special registration plate requested under this section is approved by law, the applicant must submit all of the following items to the Division no later than 60 days after the act approving the plate becomes law. If the applicant fails to timely submit the items required under this subsection, the authorization for the special registration plate shall expire in accordance with G.S. 20-79.8(a1). The items to be submitted are:

- (1) The final artwork for the plate. The Division must review the artwork to ensure it complies with the standardized format established by G.S. 20-79.4(a3).
- (2) A list of purchasers who submitted to the applicant a paid application for the special registration plate and any additional fees submitted by potential purchasers to the applicant after submission of the Special Registration Plate Development Application.

(e) Legislative Disapproval. – If the special registration plate is not authorized in the legislative session in which the authorization was sought, the Division shall refund to the applicant the fee submitted under subdivision (2) of subsection (b) of this section.

(f) Issuance. – Within 180 days after receipt of the requester's design and the minimum number of paid applications, the Division shall issue the special registration plate.

SECTION 3.(b) This section becomes effective October 1, 2014, and applies to requests for the establishment of new special registration plates on or after that date or to requests for the reenactment of special registration plates for which the authorization expired on or after that date.

SECTION 3.(c) Notwithstanding the deadlines established in G.S. 20-79.3A(b) and (c), as enacted by this act, the Division shall accept through April 1, 2015, Special Registration Plate Development Applications and shall report the list of qualified applicants to the General Assembly in accordance with G.S. 20-79.3A(c) by May 1, 2015, for a bill to be considered during the 2015 Regular Session of the 2015 General Assembly authorizing a special registration plate requested by an applicant.

SECTION 4.(a) The Division of Motor Vehicles shall develop an application form for use by an applicant to be completed by potential purchasers of a proposed special registration plate. The form must include an explanation of the application process, the fees that must be submitted to the applicant with the application, and the refund process. Specifically, the form must state that the applicant, and not the Division of Motor Vehicles, is responsible for collecting the fees and for refunding the fees to potential purchasers if the request for a special registration plate is not approved by the General Assembly. The form must also include space for the applicant to provide identifying information of the person or organization seeking the special registration plate and point of contact information.

SECTION 4.(b) This section is effective when it becomes law. The Division of Motor Vehicles must, by October 1, 2014, develop the form required by this section and make it available on the Division's Web site along with an explanation of the special registration plate application process established under this act.

SECTION 5.(a) The Division of Motor Vehicles shall develop a Special Registration Plate Development Application Form for use by an applicant seeking to establish or to reauthorize a special registration plate. The form shall require the following information:

- (1) The applicant's identifying information, including point of contact information.
- (2) A description of the proposed plate, including a draft copy of the proposed plate design in substantially final form that conforms to the specifications set by the Division.
- (3) The proposed fee for the plate, which must be a minimum of ten dollars (\$10.00) that is remitted to the Special Registration Plate Account. If an applicant is proposing a fee in excess of the amount remitted to the Special Registration Plate Account, the applicant must state the additional fee amount and describe the proposed use of the additional fee proceeds.

- (4) The name of at least one current member of the General Assembly who would sponsor legislation to authorize the special registration plate.
- (5) A statement that must be signed by the applicant indicating that the applicant has obtained the minimum number of paid applications and will submit the list of purchasers and the final artwork to the Division within 60 days of legislation authorizing the requested special registration plate becoming law.

SECTION 5.(b) This section is effective when it becomes law. The Division of Motor Vehicles must, by February 1, 2015, develop the form required by this section and make it available on the Division's Web site. The Division must, by February 1, 2015, make the necessary programming changes to be able to accept Special Registration Plate Development Applications in accordance with this act.

SECTION 6. G.S. 20-79.8 reads as rewritten:

"§ 20-79.8. Expiration of special registration plate authorization.

(a) ~~Expiration.~~ Expiration of Plates Authorized Prior to October 1, 2014. – A special registration plate authorized after July 1, 2011, and before October 1, 2014, pursuant to G.S. 20-79.4 shall expire, as a matter of law, on July 1 of the second calendar year following the year in which the special plate was authorized if the number of required applications for the authorized special plate has not been received by the Division. The Division shall not accept applications for nor advertise any special registration plate that has expired pursuant to this section.

(a1) Expiration of Plates Authorized On or After October 1, 2014. – A special registration plate authorized on or after October 1, 2014, pursuant to G.S. 20-79.4, shall expire as a matter of law upon an applicant's failure to submit to the Division all of the items required under G.S. 20-79.3A(d) within 60 days of the act approving the special registration plate becoming law. The Division shall not accept applications for nor advertise any special registration plate that has expired pursuant to this section.

(b) Notification. – The Division shall notify the Revisor of Statutes in writing, not later than ~~July 15~~ August 1 of each year, which special registration plate authorizations have expired as a matter of law pursuant to subsection (a) of this section. The Division shall publish a copy of the written notification sent to the Revisor of Statutes pursuant to this subsection on a Web site maintained by the Division or the Department of Transportation.

(c) Revisor of Statutes Responsibilities. – Upon notification of expiration of the authorization for any special registration plate by the Division pursuant to this section, the Revisor of Statutes shall verify that the authorization for each special registration plate listed has expired and shall notate ~~such~~ the expiration in the applicable statutes. If an authorization for a special registration plate listed in G.S. 20-79.4 expires, the Revisor of Statutes shall revise the subdivision referring to the special registration plate to leave the name of the special registration plate authorized and the date the special registration plate's authorization expired. If an authorization for a special registration plate listed in G.S. 20-79.4 expires, the Revisor of Statutes shall also make corresponding changes to reflect the expiration of the special registration plate's authorization, if applicable, in G.S. 20-63(b), 20-79.7, and 20-81.12."

SECTION 7. The Revenue Laws Study Committee is directed as follows as it relates to registration plates:

- (1) To identify whether the process for requests to establish or reauthorize special registration plates under this act requires any modifications and to examine the costs incurred by the Division of Motor Vehicles to administer special registration plates.
- (2) To study whether certain governmental entities should have different eligibility or renewal requirements for permanent registration plates; to study whether nongovernmental entities should be eligible for permanent plates and, if so, what the criteria should be; and to examine the costs incurred by the Division of Motor Vehicles to administer permanent registration plates.

The Committee shall report its findings, together with any recommended legislation, to the 2015 Regular Session of the 2015 General Assembly upon its convening.

law. **SECTION 8.** Except as otherwise provided, this act is effective when it becomes
In the General Assembly read three times and ratified this the 25th day of July, 2014.

s/ Philip E. Berger
Presiding Officer of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 11:56 a.m. this 1st day of August, 2014