

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**HOUSE BILL 272
RATIFIED BILL**

AN ACT TO MAKE VARIOUS CHANGES TO LAWS AFFECTING THE DEPARTMENT
OF TRANSPORTATION AND THE DIVISION OF MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

DWI INTERLOCK VIOLATION/DMV HEARING SITE

SECTION 1.(a) G.S. 20-17.8(j) reads as rewritten:

"(j) Right to Hearing Before Division; Issues. – If the person's license is revoked pursuant to subsection (g) of this section, before the effective date of the order issued under subsection (i) of this section, the person may request in writing a hearing before the Division. Except for the time referred to in G.S. 20-16.5, if the person shows to the satisfaction of the Division that the person's license was surrendered to the court and remained in the court's possession, then the Division shall credit the amount of time for which the license was in the possession of the court against the revocation period required by subsection (g) of this section. If the person properly requests a hearing, the person retains the person's license, unless it is revoked under some other provision of law, until the hearing is held, the person withdraws the request, or the person fails to appear at a scheduled hearing. The hearing officer may subpoena any witnesses or documents that the hearing officer deems necessary. The person may request the hearing officer to subpoena the charging officer, the chemical analyst, or both to appear at the hearing if the person makes the request in writing at least three days before the hearing. The person may subpoena any other witness whom the person deems necessary, and the provisions of G.S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under the authority of this section. The hearing officer is authorized to administer oaths to witnesses appearing at the hearing. The hearing must be conducted in the county where the charge was brought, and except when the evidence of the violation is an alcohol concentration report from an ignition interlock system, the hearing may be conducted in the county where the person resides. The hearing must be limited to consideration of whether:

- (1) The drivers license of the person had an ignition interlock requirement; and
- (2) The person:
 - a. Was driving a vehicle that was not equipped with a functioning ignition interlock system; or
 - b. Did not personally activate the ignition interlock system before driving the vehicle; or
 - c. Drove the vehicle in violation of an applicable alcohol concentration restriction prescribed by subdivision (b)(3) of this section.

If the Division finds that the conditions specified in this subsection are met, it must order the revocation sustained. If the Division finds that the condition of subdivision (1) is not met, or that none of the conditions of subdivision (2) are met, it must rescind the revocation. If the revocation is sustained, the person must surrender the person's license immediately upon notification by the Division. If the revocation is sustained, the person may appeal the decision of the Division pursuant to G.S. 20-25."

SECTION 1.(b) This section becomes effective October 1, 2014, and applies to hearings requested on or after that date.

SINGLE LICENSE PLATE RENEWAL STICKER

SECTION 2.(a) G.S. 20-66(c) reads as rewritten:



"(c) **Renewal Stickers.** – A single registration renewal sticker issued by the Division must be displayed on the registration plate that it renews in the place prescribed by the Commissioner and must indicate the period for which it ~~and the registration plate on which it is displayed~~ is valid. Except where physical differences between a registration renewal sticker and a registration plate render a provision of this Chapter inapplicable, the provisions of this Chapter relating to registration plates apply to registration renewal stickers."

SECTION 2.(b) This section becomes effective January 1, 2015.

PERMANENT REGISTRATION PLATE CHANGES

SECTION 3.(a) G.S. 20-84(b) is amended by adding two new subdivisions to read:

"(b) **Permanent Registration Plates.** – The Division may issue permanent plates for the following motor vehicles:

...

(18) A motor vehicle that is owned and operated by a sanitary district created under Part 2 of Article 2 of Chapter 130A of the General Statutes.

(19) Any motor vehicle owned by a federally recognized tribe."

SECTION 3.(b) This section is effective when it becomes law.

CLARIFY APPLICATION OF DEALER FEE DISCLOSURE REQUIREMENTS

SECTION 4.(a) G.S. 20-101.1 is amended by adding a new subsection to read:

"(d) This section does not apply to a dealer fee related to the online registration of a motor vehicle when the dealer fee is separately stated on the buyer's order, purchase order, retail installment sales agreement, lease, or bill of sale."

SECTION 4.(b) This section becomes effective October 1, 2014.

MOTOR VEHICLE DEALER LICENSE PROBATION AUTHORIZED

SECTION 5.(a) G.S. 20-294 reads as rewritten:

"§ 20-294. **Grounds for denying, ~~suspendingsuspending, placing on probation, or revoking licenses.~~**

The Division may deny, suspend, place on probation, or revoke a license issued under this Article for any one or more of the following grounds:

- (1) Making a material misstatement in an application for a license.
- (2) Willfully and intentionally failing to comply with this Article, Article 15 of this Chapter, or G.S. 20-52.1, 20-75, 20-79.1, 20-79.2, 20-108, 20-109, or a rule adopted by the Division under this Article.
- (3) Failing to have an established salesroom, if the license holder is a motor vehicle dealer, or failing to have an established office, if the license holder is a wholesaler.
- (4) Willfully defrauding any retail buyer, to the buyer's damage, or any other person in the conduct of the licensee's business.
- (5) Employing fraudulent devices, methods or practices in connection with compliance with the requirements under the laws of this State with respect to the retaking of motor vehicles under retail installment contracts and the redemption and resale of such motor vehicles.
- (6) Using unfair methods of competition or unfair deceptive acts or practices.
- (7) Knowingly advertising by any means, any assertion, representation or statement of fact which is untrue, misleading or deceptive in any particular relating to the conduct of the business licensed or for which a license is sought.
- (8) Knowingly advertising a used motor vehicle for sale as a new motor vehicle.
- (9) Being convicted of an offense set forth under G.S. 20-106, 20-106.1, 20-107, or 20-112 while holding such a license or within five years next preceding the date of filing the application; or being convicted of a felony involving moral turpitude under the laws of this State, another state, or the United States.
- (10) Submitting a bad check to the Division of Motor Vehicles in payment of highway use taxes collected by the licensee.

- (11) Knowingly giving an incorrect certificate of title, or failing to give a certificate of title to a purchaser, a lienholder, or the Division, as appropriate, after a vehicle is sold.
 - (12) Making a material misstatement in an application for a dealer license plate.
 - (13) Failure to pay a civil penalty imposed under G.S. 20-287."
- SECTION 5.(b)** This section becomes effective October 1, 2014.

CHANGE TO MOTOR VEHICLE DEALER LICENSE SERVICE OF HEARING ORDER

SECTION 6.(a) G.S. 20-296 reads as rewritten:

"§ 20-296. Notice and hearing upon denial, suspension, ~~revocation~~revocation, placing on probation, or refusal to renew license.

No license shall be ~~suspended or revoked or~~suspended, revoked, denied, placed on probation, or renewal thereof refused, until a written notice of the complaint made has been furnished to the licensee against whom the same is directed, and a hearing thereon has been had before the Commissioner, or a person designated by him. At least 10 days' written notice of the time and place of such hearing shall be given to the licensee by certified mail with return receipt requested to his last known address as shown on his license or other record of information in possession of the Division. At any such hearing, the licensee shall have the right to be heard personally or by counsel. After hearing, the Division shall have power to suspend, ~~revoke-revoke~~, place on probation, or refuse to renew the license in question. Immediate notice of any such action shall be given to the licensee in ~~the manner herein provided in the case of notices of hearing~~accordance with G.S. 1A-1, Rule 4(j) of the Rules of Civil Procedure."

SECTION 6.(b) This section becomes effective October 1, 2014, and applies to notices given on or after that date.

DOT MINORITY/WOMEN BUSINESS PROGRAM

SECTION 7.(a) G.S. 136-28.4(e) reads as rewritten:

"(e) This section expires ~~August 31, 2014~~August 31, 2015."

SECTION 7.(b) This section is effective when it becomes law.

NOTIFY PROPERTY OWNERS OF RIGHT-OF-WAY TRANSFERS

SECTION 8.(a) G.S. 136-66.10 reads as rewritten:

"§ 136-66.10. Dedication of right-of-way under local ordinances.

(a) Whenever a tract of land located within the territorial jurisdiction of a city or county's zoning or subdivision control ordinance or any other land use control ordinance authorized by local act is proposed for subdivision or for use pursuant to a zoning or building permit, and a portion of it is embraced within a corridor for a street or highway on a plan established and adopted pursuant to G.S. 136-66.2, a city or county zoning or subdivision ordinance may provide for the dedication of right-of-way within that corridor pursuant to any applicable legal authority, or:

- (1) A city or county may require an applicant for subdivision plat approval or for a special use permit, conditional use permit, or special exception, or for any other permission pursuant to a land use control ordinance authorized by local act to dedicate for street or highway purpose, the right-of-way within such corridor if the city or county allows the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant. No dedication of right-of-way shall be required pursuant to this subdivision unless the board or agency granting final subdivision plat approval or the special use permit, conditional use permit, special exception, or permission shall find, prior to the grant, that the dedication does not result in the deprivation of a reasonable use of the original tract and that the dedication is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land or the impact of the dedication is mitigated by measures provided in the local ordinance.
- (2) If a city or county does not require the dedication of right-of-way within the corridor pursuant to subdivision (1) of this subsection or other applicable legal authority, but an applicant for subdivision plat approval or a zoning or building permit, or any other permission pursuant to a land use control

ordinance authorized by local act elects to dedicate the right-of-way, the city or county may allow the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land that is part of a common development plan or to transfer severable development rights attributable to the dedicated right-of-way to noncontiguous land in designated receiving districts pursuant to G.S. 136-66.11.

- (3) Units of local government that require or accept right-of-way dedications under this subsection shall notify the applicant and the property owner when the local government begins review of or negotiations for a right-of-way dedication and associated density credit transfer, whichever first occurs. If the property owner is not the applicant, then the property owner shall be given notification of right-of-way dedications and any related density credit transfers under this subsection. The notification shall be sent to the last known address for the owner and shall include a copy of this section and any local ordinances, policies, or procedures governing the calculation and application of the density credit transfer.

(b) When used in this section, the term "density credit" means the potential for the improvement or subdivision of part or all of a parcel of real property, as permitted under the terms of a zoning and/or subdivision ordinance, and/or other land use control ordinance authorized by local act, expressed in dwelling unit equivalents or other measures of development density or intensity or a fraction or multiple of that potential that may be transferred to other portions of the same parcel or to contiguous land in that is part of a common development plan."

SECTION 8.(b) This section becomes effective October 1, 2014, and applies to dedications occurring on or after that date.

REVENUE LAWS STUDY COMMITTEE/DIGITAL DISPATCHING SERVICES

SECTION 9.(a) The Revenue Laws Study Committee is directed to study the registration requirements, fees, and penalties applicable to for-hire passenger vehicles, including for-hire passenger vehicles directed by digital dispatching services. The Committee shall report its findings, together with any recommended legislation, to the 2015 Regular Session of the 2015 General Assembly upon its convening.

SECTION 9.(b) This section is effective when it becomes law.

EFFECTIVE DATE

SECTION 10. Except as otherwise provided, this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 2nd day of August, 2014.

s/ Chad Barefoot
Presiding Officer of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

Pat McCrory
Governor

Approved _____ .m. this _____ day of _____, 2014