

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 360
HOUSE BILL 107

1 AN ACT TO AMEND VARIOUS SECTIONS OF CHAPTER 20 OF THE GENERAL
2 STATUTES SO AS TO MAKE THE LAW WITH REGARD TO REGISTRATION
3 CONFORM WITH THE VEHICLE FINANCIAL RESPONSIBILITY ACT OF 1957.
4

5 The General Assembly of North Carolina do enact:
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7 **Section 1.** G.S. 20-50 is hereby amended by striking out the first word thereof and
8 substituting therefor the words "Except as otherwise provided in this Article, every".

9 **Sec. 2.** G.S. 20-57(c) is hereby rewritten to read as follows:

10 "(c) Every owner upon receipt of a registration card, shall write his signature thereon
11 with pen and ink in the space provided. Every such registration card shall at all times be carried
12 in the vehicle to which it refers or in the vehicle to which transfer is being effected, as provided
13 by G.S. 20-64, at the time of its operation, and such registration card shall be displayed upon
14 demand of any peace officer or any officer of the Department: Provided, however, any person
15 charged with failing to so carry such registration card shall not be convicted if he produces in
16 court a registration card theretofore issued to him and valid at the time of his arrest."
17

18 **Sec. 3.** G.S. 20-61 is hereby amended by rewriting the first sentence thereof to read
19 as follows:

20 "Any owner dismantling or wrecking any vehicle shall forward to the Department the
21 certificate of title, registration card and other proof of ownership, and the registration plates last
22 issued for such vehicle, unless such plates are to be transferred to another vehicle of the same
23 owner. In that event, the plates shall be retained and preserved by the owner for transfer to such
24 other vehicle."

25 **Sec. 4.** G.S. 20-63(f) is hereby amended by striking out following the word
26 "forged" at the beginning of line 3 and preceding the word "shall" in line 4 thereof the words
27 and punctuation: ", or which was issued by the Commissioner for a motor vehicle other than the
28 one on which used.

29 **Sec. 5.** G.S. 20-64 is hereby rewritten to read as follows:

30 **"G.S. 20-64. Transfer of registration plates to another vehicle.**

31 (a) Except as otherwise provided in this Article, registration plates shall be retained by
32 the owner thereof upon disposition of the vehicle to which assigned, and may be assigned to
33 another vehicle, belonging to such owner and of a like vehicle category within the meaning of
34 G.S. 20-87 and G.S. 20-88, upon proper application to the Department and payment of a
35 transfer fee and such additional fees as may be due because the vehicle to which the plates are
36 to be assigned requires a greater registration fee than that vehicle to which the license plates
37 were last assigned. Provided, however, registration plates may not be transferred under this
38 Section after December 31 of the year for which issued. An owner assigning or transferring
39 plates to another vehicle as provided herein shall be subject to the same assessments and
40 penalties for use of the plates on another vehicle or for improper use of the plates, as he could
41 have been for the use of the plates on the vehicle to which last assigned.

42 (b) Upon a change of the name of a corporation or a change of the name under which a
43 proprietorship or partnership is doing business, the corporation, partnership or proprietorship
shall forthwith apply for correction of the certificate of title of all vehicles owned by such

1 corporation, partnership or proprietorship so as to correctly reflect the name of the corporation
2 or the name under which the proprietorship or partnership is doing business, and pay the fees
3 required by law.

4 "(c) Upon a change in the composition of a partnership, ownership of vehicles belonging
5 to such partnership shall not be deemed to have changed so long as one partner of the
6 predecessor partnership remains a partner in the reconstituted partnership, but the reconstituted
7 partnership shall forthwith apply for correction of the certificate of title of all vehicles owned
8 by such partnership so as to correctly reflect the composition of the partnership and the name
9 under which it is doing business, if any, and pay the fees required by law.

10 "(d) When a proprietorship or partnership is incorporated, the corporation shall retain
11 license plates assigned to vehicles belonging to it and may use the same, provided the
12 corporation applies for and obtains transfers of the certificates of title of all vehicles and pays
13 the fees required by law.

14 "(e) Upon death of the owner of a registered vehicle, such registration shall continue in
15 force as a valid registration until the end of the year for which the license is issued unless
16 ownership of the vehicle passes or is transferred to any person other than the surviving spouse
17 before the end of the year.

18 "(f) Whenever the owner of a registered vehicle transfers or assigns his interest to
19 another who licenses such vehicle in North Carolina in his name for the same license year, such
20 transferor may, by surrendering the plate and registration certificate to the Department, secure a
21 refund of the unexpired portion of such plate on a monthly basis, beginning the first day of the
22 month following the transfer of interest, provided, that the annual license fee for such
23 surrendered plates is sixty dollars (\$60.00) or more.

24 "(g) The Commissioner of Motor Vehicles shall have the power to make such rules and
25 regulations as he may deem necessary for the administration of transfers of license plates and
26 vehicles under this Article."

27 **Sec. 6.** G.S. 20-65 is hereby amended by changing the period (.) at the end thereof
28 to a comma (,) and by adding following such comma the words: "If the license plate is
29 registered to the vehicle on which it is being used prior to the 31st day of December."

30 **Sec. 7.** G.S. 20-68 is hereby amended by striking out Subsection (b) thereof and
31 redesignating Subsection (c) as Subsection (b).

32 **Sec. 8.** G.S. 20-72(a) is hereby rewritten to read as follows:

33 "(a) Whenever the owner of a registered vehicle transfers or assigns his title or interest
34 thereto, he shall remove the license plates and endorse upon the reverse side of the registration
35 certificate issued for such vehicle the name and address of the transferee and the date of such
36 transfer. Such registration certificate and plates shall be forwarded to the Department unless the
37 plates are to be transferred to another vehicle as provided in G.S. 20-64. If they are to be
38 transferred to and used with another vehicle, then the endorsed registration certificate and the
39 plates shall be retained and preserved by the owner. If such registration plates are to be
40 transferred to and used with another vehicle, then the owner shall make application to the
41 Department for assignment of the registration plates to such other vehicle under the provisions
42 of G.S. 20-64. Such application shall be made within twenty (20) days after the date on which
43 such plates are last used on the vehicle to which theretofore assigned."

44 **Sec. 9.** G.S. 20-73 is hereby rewritten to read as follows:

45 "**§ 20-73. New owner to secure new certificate of title.** The transferee, within twenty (20)
46 days after the purchase of any vehicle, shall present the certificate of title endorsed and
47 assigned as hereinbefore provided, to the Department and make application for a new
48 certificate of title for such vehicle except as otherwise permitted in G.S. 20-75 and G.S. 20-76.
49 Any transferee willfully failing or refusing to make application for title shall be guilty of a
50 misdemeanor."

1 **Sec. 10.** G.S. 20-74 is hereby amended by striking out the words "and registration"
2 following the word "title" and preceding the word "within" in line 3 thereof.

3 **Sec. 11.** G.S. 20-76 is hereby amended by striking out the words fee for duplicate
4 title and/or replacement" at the end thereof and substituting in lieu thereof the word "fees".

5 **Sec. 12.** G.S. 20-77(a) is hereby amended by striking out the words "a transfer of
6 registration to himself and" following the word "secure" in line 5 and preceding the word "a" in
7 line 6 thereof; and by changing the colon (:) near the middle of line 10 thereof to a period (.)
8 and striking out the remainder of that subsection.

9 **Sec. 13.** G.S. 20-77 is hereby further amended by adding thereto a new subsection
10 to be designated Subsection (e) and to read as follows:

11 (e) Any person, who shall sell a vehicle to satisfy a mechanic's or storage lien or any
12 person who shall sell a vehicle as upon order in bankruptcy, execution sale, repossession upon
13 default in performing the terms of a lease or executory sales contract, or otherwise by operation
14 of law, shall remove any license plates attached thereto and return them to the Department."

15 **Sec. 14.** G.S. 20-78(a) is hereby rewritten to read as follows:

16 (a) The Department, upon receipt of a properly endorsed certificate of title, application
17 for transfer thereof and payment of all proper fees, shall issue a new certificate of title as upon
18 an original registration. The Department, upon receipt of an application for transfer of
19 registration plates, together with payment of all proper fees, shall issue a new registration card
20 transferring and assigning the registration plates and numbers thereon as upon an original
21 assignment of registration plates."

22 **Sec. 15.** G.S. 20-79(b) is hereby amended by changing the colon (:) near the end of
23 line 20 thereof to a period (.) and by striking out the remainder of that subsection.

24 **Sec. 16.** G.S. 20-80 is hereby amended by striking out the last sentence thereof.

25 **Sec. 17.** G.S. 20-81 is hereby amended by striking out the numbers and Section
26 symbol "§ 20-80" at the end thereof and substituting in lieu thereof the letters and numbers
27 "G.S. 20-64".

28 **Sec. 18.** G.S. 20-81.1 is hereby amended by striking out the words and punctuation
29 ",in addition to the registration plates required by law," following the word "issued" in line 6
30 and preceding the word "plates" in line 7 of subdivision (1) thereof; by striking out subdivision
31 (2) thereof and renumbering subdivisions (3), (4) and (5) as subdivisions (2), (3) and (4)
32 respectively.

33 **Sec. 19.** G.S. 20-85 is hereby amended by adding thereto a new subsection to be
34 designated Subsection (f) and to read as follows:

35 (f) Each application for duplicate registration certificate50"

36 **Sec. 20.** G.S. 20-111(a) is hereby amended to read as follows:

37 (a) To operate or for the owner thereof knowingly to permit the operation upon a
38 highway of any vehicle, trailer, or semi-trailer required to be registered and which is not
39 registered or for which a certificate of title has not been issued, or which does not have attached
40 thereto and displayed thereon the registration number plate or plates assigned thereto by the
41 Department for the current registration year, subject to the provisions of G.S. 20-64 and
42 G.S. 20-72(a) and the exemptions mentioned in G.S. 20-65 and G.S. 20-79."

43 **Sec. 21.** Chapter 20 of the General Statutes is hereby further amended by adding
44 thereto a new Section following G.S. 20-79.1 and preceding G.S. 20-80 to be designated
45 G.S. 20-79.2 and to read as follows:

46 **"§ 20-79.2. Transporter registration.**

47 (a) A person engaged in a business requiring the limited operation of motor vehicles to
48 facilitate the foreclosure or repossession of such motor vehicles may apply to the
49 Commissioner for special registration to be issued to and used by such person upon the
50 following conditions:

- 1 "(1) Application for registration. Only one application shall be required from
2 each person, and such application for registration under this Section shall be
3 filed with the Commissioner of Motor Vehicles in such form and detail as
4 the Commissioner shall prescribe, setting forth:
5 a. The name and residence address of applicant; if an individual, the
6 name under which he intends to conduct business; if a partnership,
7 the name and residence address of each member thereof, and the
8 name under which the business is to be conducted; if a corporation,
9 the name of the corporation and the name and residence address of
10 each of its officers.
11 b. The complete address or addresses of the place or places where the
12 business is to be conducted.
13 c. Such further information as the Commissioner may require.
14 "(2) Applications for registration under this Section shall be verified by the
15 applicant, and the Commissioner may require the applicant for registration to
16 appear at such time and place as may be designated by the Commissioner for
17 examination to enable him to determine the accuracy of the facts set forth in
18 the written application, either for initial registration or renewal thereof.
19 "(3) Fees. The annual fee for such registration under this Section or renewal
20 thereof shall be fifteen dollars (\$15.00), plus an annual fee of five dollars
21 (\$5.00) for each set of plates. The application for registration and number
22 plates shall be accompanied by the required annual fee. There shall be no
23 refund of registration fee or fees for number plates in the event of
24 suspension, revocation or voluntary cancellation of registration. There shall
25 be no quarterly reduction in fees under this Section.
26 "(4) Issuance of certificate. If the Commissioner approves the application, he
27 shall issue a registration certificate in such form as he may prescribe. A
28 registrant shall notify the Commissioner of any change of address of his
29 principal place of business within thirty (30) days after such change is made,
30 and the Commissioner shall be authorized to cancel the registration upon
31 failure to give such notice.
32 "(5) Use. Transporter number plates issued under this Section may be transferred
33 from vehicle to vehicle, but shall be used only for the limited operation of
34 vehicles in connection with foreclosure or repossession of vehicles owned or
35 controlled by the registrant.
36 "(6) Suspension, revocation or refusal to issue or to renew a registration. The
37 Commissioner may deny the application of any person for registration under
38 this Section and may suspend or revoke a registration or refuse to issue a
39 renewal thereof if he determines that such applicant or registrant has:
40 a. Made a material false statement in his application;
41 b. Used or permitted the use of number plates contrary to law;
42 c. Been guilty of fraud or fraudulent practices; or
43 d. Failed to comply with any of the rules and regulations of the
44 Commissioner for the enforcement of this Section or with any
45 provisions of this Chapter applicable thereto.

46 "(b) The Commissioner of Motor Vehicles may make all rules and regulations he may
47 deem necessary for the proper administration of this Section, particularly with regard to the
48 requirements of evidence of financial responsibility of applicants for transporter plates."

49 **Sec. 22.** All laws and clauses of laws in conflict with this Act are hereby repealed.

50 **Sec. 23.** This Act shall become effective on January 1, 1962.

1 In the General Assembly read three times and ratified, this the 5th day of May,
2 1961.