

Report On

**THE USE OF PRIVATE, FICTITIOUS, AND CONFIDENTIAL  
LICENSE PLATES ON PUBLIC VEHICLES**

Submitted to  
The Joint Legislative Commission on Governmental Operations  
By  
The Division of Fiscal Research  
North Carolina General Assembly

Pursuant to S.L 1999-237 Section 7.7(d)

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## I. Statutory Background

### A. State Policy as Established in G.S. 14-250

Vehicles owned by North Carolina state and county governments must be marked so that their status as public property is apparent. The marking requirement has been firm policy since 1925, when the General Assembly adopted "An Act to Prohibit the Use of Public-Owned Automobiles for Private Purposes". This act made it a duty of every state and county department head to place on each vehicle a statement in letters not less than three inches high saying that the vehicle is publicly owned. Additionally, the words "for official use only" must be included (S.L. 1925-239). Prominent marking continues to be an effective measure to deter the misuse of public vehicles.

The core of the 1925 legislation is now codified as G.S. 14-250 in Article 31 of the General Statutes, entitled "Misconduct in Public Office". The dozen or more amendments that bring the 1925 law to its current state fall into two categories. First, they allow alternative marking techniques. In 1949 the General Assembly authorized permanent and distinctive license plates for state, county, and municipal vehicles. *Currently, state vehicles may satisfy the marking requirement by displaying distinctive license plates, generally referred to as "state plates"*. County vehicles may use a combination of distinctive plates and an eight-inch replica of the county seal.

Amendments in the second category have introduced exemptions from the 1925 marking requirement. In 1929 automobiles "used by an officer or official in any county of the State for the purpose of transporting, apprehending or arresting persons charged with violations of the laws of the state of North Carolina" were made exempt. This entitles county criminal justice officials to drive an unmarked vehicle with private plates. More recently, county-owned vehicles being used to transport mental health, mental retardation, and substance abuse clients have been excused from lettering requirements (although they must display permanent license plates).

The 1971 General Assembly gave discretion to the Council of State to exempt state-owned vehicles from the marking requirements for up to twelve months upon a finding "that it is in the public interest to do so because of the use to be made of the vehicle" (S.L. 1971-3). This amendment was a major departure from previous policy. *For the first time, state personnel could be permitted to drive unmarked state-owned vehicles with private plates.* The administrative arrangement lasted until 1982 when the General Assembly decided that it, rather than the Council of State, should be the primary source of exemptions for state-owned vehicles and that the Council of State should act only in a back-up capacity when the legislature was out of session. In 1982 the General Assembly authorized 1,073 private license tags on state vehicles owned by nine agencies. Two years later the General Assembly again changed the exemption authority for state-owned vehicles, this time by giving the Division of Motor Fleet Management in the Department of Administration the power to deviate from legislatively determined allocations after consultation with the Joint Legislative Commission on Governmental Operations and the Advisory Budget Commission (S.L. 1984-1034, sec. 120). During the 1985 Session this authority was also withdrawn (S.L. 1985-791, sec 52).

The 1985 Session Law essentially stabilized G.S. 14-250 in its current form, with authority to allow private license plates to state-owned vehicles vested only in the General Assembly. Each year agencies desiring to have private plates submit their requests to the Division of Motor Fleet Management, which

forwards the requests to the Appropriations Committees. Allocations are fixed in the appropriation bill for General Fund Operations each year. The current allocation may be found at Section 7.7(a) of S.L. 1999-237. Table 1 on the following page shows the history of allocations starting in the 1982-83 fiscal year.

Table 1: Private License Tags on State-Owned Motor Vehicles 1982-2001

Department	Assignments	1982-83	1983-84	1984-85	1985-87	1987-89	1989-91	1991-93	1993-95	1995-97	1997-99	1999-01
<b>Administration</b>												
	Capitol Police	1		1	1							
	Human Relations Council	6		6								
	<b>Total Administration</b>	<b>7</b>		<b>7</b>	<b>1</b>							
<b>Division of Motor Vehicles</b>												
	License & Theft Employees	97		97	97	97	97	97	97	97	97	97
	License & Theft Motor Pool	11		11								
	Chief Transp. Inspector			1								
	Asst. Dir., License & Theft			1								
	Regional Transp. Supervisors			1								
	Transp. Inspectors			8								
	<b>Total Division of Motor Vehicles</b>	<b>108</b>		<b>121</b>	<b>97</b>	<b>97</b>	<b>97</b>	<b>97</b>	<b>97</b>	<b>97</b>	<b>97</b>	<b>97</b>
<b>Commerce</b>												
	Industrial Development Reps.	15		15								
	International Development Reps.	4		4								
	Economic Development Director	1		1								
	State Ports Director	1		1								
	Deputy Secretary	1		1								
	Bd. Of Alcoholic Control	1		1								
	Utilities Comm.-Transportation Enforcement	20										
	Utilities Comm.-Chief of Rail Safety, Track Inspector, Motor Power and Equipment Inspector			3								
	<b>Total Commerce</b>	<b>43</b>		<b>26</b>								
<b>NCSU</b>												
	Security	2		2								
	<b>Total NCSU</b>	<b>2</b>		<b>2</b>								
<b>ECU</b>												
	Security	2		2								
	<b>Total ECU</b>	<b>2</b>		<b>2</b>								
<b>NRCO</b>												
	Forest Law Enforce. Off.	3		3								
	<b>Total NRCO</b>	<b>3</b>		<b>3</b>								
<b>Correction</b>												
	Probation/Parole Officers (intensive probation)	498		511		25	25	25	25	25	25	25
	<b>Total Correction</b>	<b>498</b>		<b>511</b>		<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>
<b>Justice</b>												
	SBI Agents	277		277	277	277	277	277	277	277	277	277
	Medicaid investigators	3		3								
	<b>Total Justice</b>	<b>280</b>		<b>280</b>	<b>277</b>	<b>277</b>	<b>277</b>	<b>277</b>	<b>277</b>	<b>277</b>	<b>277</b>	<b>277</b>
<b>Crime Control</b>												
	ALE Officers	127		127	127		92*	92*	92*		92*	92*
	Highway Patrol (Gov. Mansion)	2		2	2							
	Butner Public Safety	1		1								
	<b>Total Crime Control</b>	<b>130</b>		<b>130</b>	<b>129</b>		<b>92</b>	<b>92</b>	<b>92</b>		<b>92</b>	<b>92</b>
<b>Revenue</b>												
	<b>Total Revenue</b>									3	4	
<b>Capitol Police</b>												
	<b>Total Capitol Police</b>									2	2	2
<b>Wildlife Resources Com.</b>												
	Wildlife Enforcement Officers											12
	<b>Total Wildlife Resources Com.</b>											<b>12</b>
<b>Grand Total</b>		<b>1073</b>	<b>0</b>	<b>1082</b>	<b>504</b>	<b>399</b>	<b>491</b>	<b>491</b>	<b>491</b>	<b>404</b>	<b>497</b>	<b>505</b>

\*The 92 ALE vehicles authorized shall be distributed as follows:

- 1) 54 among Agent I officers
- 2) 20 among Agent II officers
- 3) 1 to the Deputy Director
- 4) 12 to the District Offices/Extra Vehicles
- 5) 5 to the Director, to be distributed at the Director's discretion

The history of G.S. 14-250 reflects a recognition that some exceptions should be made to the general policy first set in 1925, but also reflects a view that the executive branch agencies of state government are unlikely to apply the self-discipline needed to keep those exceptions in check. In the face of this uncertainty, the General Assembly has withdrawn discretionary authority granted to the Council of State and the Division of Motor Fleet Management and has exercised that authority itself. It is noteworthy that this legislative skepticism does not extend to county government, which continues to operate under the broad exemption, adopted in 1929, that allows most county criminal justice vehicles to avoid marking requirements altogether.

## **B. Companions to G.S. 14-250**

Other statutes affecting the meaning and administration of G.S. 14-250 have sprouted in distant regions of North Carolina law, particularly in Chapter 20 where sections dealing with motor vehicles are found. Chapter 20 provides that a limited number of the private plates appearing on state-owned vehicles may be "fictitious." Further, it provides that in some circumstances the registration information on state-owned vehicles with private plates can be placed in a confidential file.

Fictitious Plates. In 1971 the General Assembly added G.S. 114-17.1 authorizing the Commissioner of Motor Vehicles to provide State Bureau of Investigation undercover agents with "motor vehicle registration plates under assumed names using false or fictitious addresses" (S.L. 1971-942). In 1983 G.S. 18B-500 was amended to give fictitious plates to alcohol law enforcement agents on special undercover assignments, and at the same time a new subsection (g) was added to G.S. 20-39 that allowed the Commissioner to issue fictitious plates to Division of Motor Vehicles undercover officers (S.L. 1983-629). Thus fictitious plates were authorized for undercover assignments in three important state law enforcement agencies.

Two years later the fictitious plates legislation was revisited to add a subsection currently codified as G.S. 20-39(h) (S.L. 1985-767). This subsection opened a new list of users eligible for fictitious plates -- local law enforcement officers on special undercover assignments. However, it also imposed safeguards against proliferation. First, the Commissioner could allow fictitious plates only on public vehicles. Second, he could only issue a plate after the Director of the State Bureau of Investigation (SBI) reviewed the requesting agency's rationale and concluded in writing that the action was "justified and necessary". Thirdly, he was required to recall each plate at the end of six months, when requested by the Director of the SBI, or when he found that the need for the fictitious plate could no longer be justified. Finally, the number of outstanding plates under this subsection was capped at 100.

Amendments in the 1987, 1991, and 1995 Sessions brought the fictitious plates provision to its present form. In 1987 eligibility for G.S. 20-39(h) plates was extended to beyond "local" officers to include "local, state or federal" officers. (S.L. 1987-552). Session Law 1991-53 added language declaring that all of the private plates assigned to SBI and Alcohol Law Enforcement agents under G.S. 14-250 could be fictitious, and that those plates would not count against the fictitious plate cap. The 1995 amendment consolidated the several laws governing fictitious plates so that they appear in subsections (g) and (h) of G.S. 20-39. Essentially, current law allows the State Bureau of Investigation, the Division of Alcohol Law Enforcement, and the Division of Motor Vehicles to make fictitious any or all of the private plates to which they are entitled under G.S. 14-250. The number of fictitious plates issued to other eligible users is limited to 125. The issuance of those plates requires approval from the SBI director, and the plates expire after six months.

Confidential Plates. The 1991 legislation also amended G.S. 20-56. This section originated in the 1937 Session Laws, where Chapter 407 requires the then Department of Motor Vehicles to maintain a registration index by license plate number, owner name, and vehicle or engine serial number. The 1991 amendment added a section requiring a separate, confidential registration file:

The Division (of Motor Vehicles) shall maintain a separate registration file for vehicles bearing private tags which are owned or leased for use by individuals in the following categories:

(1) Members of federal, state, and local law enforcement agencies if the vehicles are used for the purpose of transporting, apprehending, or arresting persons charged with violations of the laws of the United States or the State of North Carolina;

(2) Agents for the Internal Revenue Service;

(3) Public officials.

Individuals in the aforementioned categories must provide satisfactory evidence to the Commissioner that their personal safety is at risk. This file shall be confidential for the use of the Division.

This section creates what are generally referred to as “confidential plates” within the permitted uses of private plates on publicly owned vehicles. Whether the registration data can be moved to the confidential file depends upon a finding by the Commissioner of Motor Vehicles that personal safety is at risk. As explained previously, an unlimited number of county law enforcement personnel may be issued private plates under G.S. 14-250 for use while “transporting, apprehending, or arresting persons”. Clearly an extra layer of protection shielding such personnel from detection is achieved by placing the associated registration data in a confidential file. Also, G.S. 14-250 enables the General Assembly to approve private plates for state use, and public officials driving these vehicles might also be candidates for the confidential file.

### **C. Summary Observations on Statutory History**

If the principle adopted in 1925 is still perceived as a valid policy, then all publicly owned vehicles should be identifiable to the public except where compelling evidence shows detrimental impacts that outweigh the public’s right to impose accountability. The General Assembly has struggled to preserve the core policy while occasionally flirting with exceptions that accommodate special needs, largely those of criminal justice agencies.

## **II. Administration of the Current Statutes**

### **A. Private License Tags on State-Owned Vehicles**

Based on current law one would expect to find three varieties of private plates in state-owned vehicles. The first variety would be “plain vanilla” – the simple instance where, for whatever reason, a state agency operating under the allocations set forth pursuant to G.S. 14-250 chooses to register a vehicle just as would an ordinary citizen. The agency would receive a private license tag along with a conventional registration certificate. Any person not barred under federal privacy laws could, by submitting the license plate number to the Division of Motor Vehicles, get the name and address of the state agency that owns the vehicle.

The second variety would be distinguished only because the agency owning the vehicle and eligible for a private plate under G.S. 14-250 petitions Division of Motor Vehicles to place the registration information

in a confidential file. Thus no person could obtain the identity of the vehicle owner from the Division of Motor Vehicles by citing the license plate number. However, the registration certificate carried in the vehicle would show the name of the vehicle owner.

The third and final variety would differ from the first two because the agency owning the vehicle and eligible for a private plate under G.S. 14-250 requests also that information on the registration certificate and the corresponding entry to the DMV computer files be fictitious. As in the first case, any person not barred under federal privacy laws could, by furnishing the Division of Motor Vehicles with a license plate number, obtain the name and address of the registered owner. In this case, though, the name and address would be false.

For reasons not altogether clear, in 1991 the Attorney General's Office advised the Division of Motor Vehicles that it could not issue the "plain vanilla" private plates for use on state-owned vehicles. *Thus, according to DMV staff all private plates on state-owned vehicles must be a fictitious registration or a confidential registration.*

## **B. Fictitious Registration of State-Owned Vehicles**

Responsibility for the issuance of fictitious plates is shared between the Division of Motor Vehicles (DMV) and the State Bureau of Investigation. The client groups eligible for fictitious plates are (1) Division of Motor Vehicles undercover agents (2) Alcohol Law Enforcement agents (3) State Bureau of Investigation agents; and (4) federal, state, and local law enforcement agents who obtain approval from the Director of the State Bureau of Investigation under G.S. 20-39(h). The number of outstanding fictitious registrations in the last group cannot exceed 125.

DMV Undercover Agents. The Division of Motor Fleet Management, Department of Administration owns all vehicles driven by Division of Motor Vehicles employees. When Motor Fleet Management acquires the vehicles they are titled and registered in the name of Motor Fleet Management and delivered to the Division of Motor Vehicles with a permanent state license tag attached. Enforcement personnel in the Division of Motor Vehicles then request a fictitious registration certificate and a corresponding license tag from the Vehicle Registration Section. The original permanent tag and registration certificate is restored when the vehicle is returned to Motor Fleet Management. Ordinarily, Motor Fleet Management is not advised of the fictitious registration.

Alcohol Law Enforcement Agents. Vehicles driven by Alcohol Law Enforcement agents are owned by the Department of Crime Control and Public Safety and are titled and registered to that department as they are acquired. A request is made to the Division of Motor Vehicles for fictitious registration documents and fictitious license tags to replace the original registration. The Division of Motor Vehicles maintains a manual file that identifies the outstanding fictitious registrations in ALE.

State Bureau of Investigation Agents. Vehicles driven by State Bureau of Investigation agents are owned by the Department of Justice and are titled and registered to that department as they are acquired. Initially, either "state-owned" plates or private plates may be issued. If state-owned, the plates are later exchanged for private plates with fictitious registration. If private plates are initially issued, the conversion to fictitious registration will involve only the concoction of false documents, while the private plate will remain on the vehicle. The Division of Motor Vehicles maintains a manual file that identifies the outstanding fictitious registrations in the SBI.

State, Local, or Federal Agents Requiring SBI Approval. As of mid-February 2000 the fictitious plates in this category have only been issued to local and federal agencies. For this group, the first step in obtaining a fictitious registration is contact with the Director of the State Bureau of Investigation. The Director must sign a written statement finding that the request is justified and necessary. The statement is then taken to the Division of Motor Vehicles, where the current registration documents and the license tag are exchanged for fictitious replacements. Both the SBI and the Division of Motor Vehicles record the fictitious registrations in this category. No more than 125 can be outstanding at one time. At the end of February 2000 the number outstanding was 34.

### **C. Confidential Plates on State-Owned Vehicles**

Registration information on publicly owned vehicles bearing private license tags may be moved by the Division of Motor Vehicles (DMV) into the confidential file upon request from an organization or individual who (1) falls in one of the three categories cited in G.S. 20-56, and (2) can furnish evidence that a risk to personal safety justifies confidential status.

The central DMV office in Raleigh handles all requests for confidential registration. State agencies may submit their request by letter or agency personnel may appear in person. In many cases state agencies obtain private plates with confidential registration when the vehicle is first acquired. Other instances involve exchanging permanent plates for private plates and shifting the registration record to the confidential file. Registration information remains in the confidential file until the registrant asks that it be removed.

Division of Motor Vehicles administrators interpret their responsibility under the confidential registration section of G.S. 20-59 as being limited to that of (a) service provider, and (b) guarantor of confidentiality. The Division is unlikely to raise questions about the credentials of a requestor or to challenge the claim that personal safety is at risk. However, it zealously guards access to the confidential data. Only four DMV personnel directly involved in file maintenance can access the information.

Since registration information is electronically moved to a different file when confidential status is granted, *any* inquiry by a person or agency about information regarding a specific license tag is returned "record missing". No information is released without approval of the tag holder. If the inquiry is pressed, DMV notifies the holder of the confidential tag that an inquiry has been made and identifies the party making the inquiry.

### **D. Agency Compliance**

The principal compliance question guiding this study is whether the administrative processes currently in place actually restrain the number of private plates on state-owned vehicles to levels at or below the allocations made by the General Assembly.

Table 2 below shows the best available count of fictitious (column 2) and confidential registrations (column 3) from files of the Division of Motor Vehicles and the State Bureau of Investigation. Where the sum of these, shown in column 4, exceeds the current limits set for the agency by the General Assembly as required in G.S. 14-250, shown in column 5, the agency is not complying with the law.



**Table 2. Agency Compliance with G.S. 14-250**

(1) Agency	(2) Fictitious Registration	(3) Confidential Registration	(4) Total Private	(5) Statutory Limit	(6) In Compliance?
Alcohol Law Enforcement	12	144	156	92	No
Butner Public Safety		2	2	0	No
State Highway Patrol		144	144	144	Yes
Law Enforcement Support Svcs		20	20	0	No
Dept of Health and Human Services		3	3	0	No
Dept of Justice		2	2	0	No
State Bureau of Investigation	302	56	358	277	No
NC State University		2	2	0	No
Wildlife Resources Commission		12	12	12	Yes
NC Justice Academy		1	1	0	No
Dept of Administration		2	2	2	Yes
Motor Fleet Management	87		87	0	No
Division of Motor Vehicles	26	54	80	97	Yes
Dept of Correction		18	18	25	Yes
Dept of Revenue		14	14	22	Yes
Governor's Mansion		4	4	0	No
Secretary of State		1	1	0	No
Crime Control and Public Safety		1	1	0	No
Office of Juvenile Justice		1	1	0	No
East Carolina University		3	3	0	No
	427	484	911	671	
					14 Agencies NonCompliant 6 Agencies Compliant

The surprising level of noncompliance revealed in Table 2 might owe to several causes: (1) the data may be inaccurate (2) the data may be misleading (3) state agencies may not be aware of the law; or (4) agencies may be aware of the law but choose to ignore it. In reality, all of these factors seem to be at work.

Fictitious registrations are not identifiable in the computerized DMV database, so a record must be maintained manually in the State Bureau of Investigation, the Division of Motor Vehicles, and other user agencies. Counts provided by these agencies do not agree. While confidential registrations can be extracted from the automated database, the list of registrants is confusing because a given agency may register vehicles using several different versions of its name. Further, in the confidential file all Motor Fleet Management vehicles are registered to the Department of Administration even though they are assigned to and used by another agency. The count of confidential registrations maintained by Motor Fleet Management does not always agree with the record as reported from the Division of Motor Vehicles. However, when these discrepancies are considered it appears likely that Table 2, which relies on DMV's breakdown of confidential registrations, is a *conservative* estimate that may overstate rather than understate the level of compliance.

Setting aside questions of accuracy, there may be some instances where the data could be perceived as misleading. For example, as of mid-February 2000 the State Bureau of Investigation has 81 more private plates than the General Assembly authorized. The Bureau claims that 54 private plates are on vehicles that have been retired from service and are being surplus. If the SBI numbers are adjusted accordingly, noncompliance shrinks to 27 vehicles.

Some state agency administrators may be unaware of the limits on private license tags or may misinterpret requirements because the relationship among several statutory provisions is unclear. Since the Division of Motor Vehicles has not been given a clear enforcement role, no checks are in place to prevent an agency from obtaining an unauthorized confidential registration.

After considering these possible causes, however, it seems most likely that agencies view the allocations assigned by the General Assembly rather casually, rationalizing that sanctions are unlikely even if violations are discovered, that minor deviations are likely to be tolerated, or that the lack of reliable monitoring and reporting procedures signals indifference. Some agencies shown as non-compliant, like the Department of Crime Control and Public Safety, have been heavy users of private plates for many years and have played a role in development of the controlling legislation. It is unreasonable to believe that managers in such an agency are unfamiliar with the relevant statutes.

#### **E. Private Plates on Non-State Public Vehicles**

Although this report focuses on state-owned vehicles, the General Assembly originally imposed marking requirements on state and county vehicles. At the same time that exceptions have been made for state and county vehicles, fictitious and confidential registration has been extended to local and federal criminal justice agencies.

The number of fictitious registrations for non-state vehicles is capped at 125, while actual number has remained well below that limit in recent years. Thirty four registrations were outstanding at mid-February 2000, down from 46 in July 1999. Presumably, the requirement that the Director of the State Bureau of

Investigation approve each request on its merits, coupled with the fact that fictitious registration expires after six months, serves to diminish the level of demand.

In contrast to fictitious registration, the volume of confidential registrations granted to non-state agencies is remarkable and continues to grow. At January 1, 2000 the total was roughly 5,300. Of these, 850 were federally owned vehicles and 4,450 were vehicles owned by cities and counties. Examples are City of Charlotte (306), City of Durham (170), City of Raleigh (132), City of Greensboro (185), Cumberland County (125), and Guilford County (121). While an exhaustive analysis of city and county data proved impractical for purposes of this study, calls to several county sheriff's offices and city police departments confirmed suspicions that some local police agencies have more confidential registrations than they do unmarked vehicles. The easy availability of confidential registrations owes in large part to a failure of the Department of Motor Vehicles to develop and apply reasonable standards to the evidence required by G.S. 20-56 -- namely, that a risk to an individual's personal safety exists. *As the Division of Motor Vehicles construes the law, applicants for confidential registration need only make a simple declaration to that effect, without any recitation of particular facts and circumstances.* DMV's interpretation of G.S. 20-56 would permit every local criminal justice officer and every public official assigned a publicly owned vehicle to equip that vehicle with license plates that cannot be traced, even by another police agency. It is simply not reasonable to suppose such proliferation to be consistent with the policy intent of the General Assembly. Confidential registration shields the driver of a public vehicle against accountability. The history of legislative action since 1925 argues that that shield should only exist under extraordinary conditions, and then only for so long as extraordinary conditions last.

### III. Significant Findings

Interviews with administrators, analysis of quantitative data, and thorough reading of the statutory history dealing with the use of private plates on public vehicles point to four key findings:

**Finding 1.** No single agency or state official has overall responsibility for enforcement of laws governing the issuance of private license tags for use on state-owned vehicles. The Division of Motor Vehicles is the logical candidate to manage and control the actual allocation of private tags. However, the General Assembly has not clearly assigned the Division that responsibility. Language in the current appropriation act that limits the number of private plates is introduced as follows: "...the General Assembly authorizes the use of private tags on State-owned motor vehicles only for the State Highway Patrol and for the following: ...". Such language creates no obligation on the Division of Motor Vehicles to refuse an extralegal request for private plates or to monitor overall compliance.

**Finding 2.** Data showing the number of private plates on state-owned vehicles is not compiled efficiently, is not routinely reported to the General Assembly, and is not accurate. The fact that data is found in several different agencies, involves a mix of computerized and manual files, and is not subject to a reporting requirement means that little attention has been paid to consistency and reliability.

**Finding 3.** Violations of G.S. 14-250 are commonplace. Among the 20 state agencies known to have private plates in mid-February 2000 only one third comply with the limits established by the General Assembly under G.S. 14-250.

**Finding 4.** The number of confidential registrations granted to local government agencies under G.S. 20-56 is excessive. Relying upon unverified claims that personal safety is at risk, the Division of Motor Vehicles has provided confidential registrations for nearly 4,500 local government vehicles owned by

sheriff's offices, police departments, and public officials. Confidential registration is no longer an extraordinary measure to provide protection against a specific risk, but a routine transaction that erodes a safeguard against the private use of public property without offsetting benefit.

#### **IV. Recommendations**

**Recommendation 1.** Final responsibility for administration of the statutes governing the issuance of private plates for use on state-owned vehicles should be assigned to the Commissioner of Motor Vehicles.

**Recommendation 2.** Statutes dealing with the issuance and use of private plates on state-owned vehicles should be clarified. In particular: 1) an unambiguous statement that fictitious and confidential registrations are subject to the private plate limits established by the General Assembly under G.S. 14-250 should be added, and (2) placing confidential or fictitious tags on privately-owned vehicles should be clearly forbidden.

**Recommendation 3.** Placement of registration information in the DMV confidential file should be limited to a period not exceeding one year, subject to renewal based upon evidence that personal safety continues to be jeopardized. Strict verification procedures should be adopted to insure that confidential registration cannot be obtained by misrepresentation or fraud. Requests for confidential registration should be filed in a standardized format suitable for entry to a computer database. For purposes of this statute, the fact that an individual is a law enforcement officer should not be accepted as prima facie evidence that his/her personal safety is at risk. Nor should simple statements that "personal safety is at risk" unaccompanied by details supporting that claim be accepted as satisfactory evidence that justifies confidential status.

**Recommendation 4.** The Division of Motor Vehicles should be required to report the number of private plates issued to government-owned vehicles to the Joint Legislative Commission on Governmental Operations. Reports should be filed on January 1 and July 1 each year, and should show agency-by-agency the total number of private plates, the number of confidential plates, the number of fictitious plates, and any additional information necessary to assess compliance with the statute. The Report should also show the total number of confidential plates issued to non-state entities.

