

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1280  
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Short Title: Dealer Plates/ Highway Changes.

(Public)

Sponsors:

Referred to:

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE MOTOR VEHICLE DEALERS LICENSED UNDER CHAPTER 20 OF THE GENERAL STATUTES TO USE DEALER REGISTRATION PLATES WHILE OPERATING A MOTOR VEHICLE FOR PERSONAL USE, TO MAKE TECHNICAL CHANGES TO LAWS AMENDED BY THE HIGHWAY BILL, AND TO MAKE OTHER CHANGES TO THE MOTOR VEHICLE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-79(d) reads as rewritten:

"(d) No manufacturer of or dealer in Dealer's license plates may be used on motor vehicles, trailers or semitrailers shall cause or permit any such vehicle owned by, or assigned to, duly licensed motor vehicle dealers of this State when such person or by any person in his employ, which is in the personal use of such person or employee, to be operated or moved upon a public on the highway s of this State by the dealer, corporate officers of the dealership, salespersons or full-time employees of the dealership, and any designated part-time employees of the dealership; with a 'dealer' plate attached to such vehicle provided, the vehicle is subject to the proof of financial responsibility requirements of Article 9A of this Chapter. A dealership owner who desires to use dealer's license plates as herein provided shall make application on a form provided by the Division of Motor Vehicles and pay the annual amount set in G.S. 20-87(7)."

1           Sec. 2. G.S. 20-87(7) reads as rewritten:

2           "(7) ~~Manufacturers and Motor Vehicle Dealers.—Manufacturers and dealers~~  
3           ~~in motor vehicles, trailers and semitrailers for license and for one set of~~  
4           ~~dealer's plates for each place of business licensed under Article 12 of~~  
5           ~~Chapter 20 of the General Statutes shall pay the sum of thirty-eight~~  
6           ~~dollars (\$38.00), and for each additional set of dealer's plates the sum~~  
7           ~~of three dollars (\$3.00).—vehicles shall pay a fee of one-half of the~~  
8           ~~amount that would otherwise be payable under this section for each set~~  
9           ~~of plates."~~  
          amount that would otherwise be payable under this section for each set  
          of plates."

10          Sec. 3. G.S. 20-87(8) reads as rewritten:

11          "(8) ~~Driveaway Companies.— Any person, firm or corporation—person~~  
12          ~~engaged in the business of driving new motor vehicles from the place~~  
13          ~~of manufacture to the place of sale in this State for compensation shall~~  
14          ~~pay as a registration fee and for one set of plates one hundred twenty-eight~~  
15          ~~dollars (\$128.00) and for each additional set of plates six dollars (\$6.00)—a~~  
16          ~~fee of one-half of the amount that would otherwise be payable under~~  
17          ~~this section for each set of plates."~~  
          fee of one-half of the amount that would otherwise be payable under  
          this section for each set of plates."

18          Sec. 4. G.S. 105-164.4(a)(1b), as enacted by Section 3.3 of Chapter 692,  
19 Session Laws of 1989, reads as rewritten:

20          "(1b) At the rate of two percent (2%) of the sales price of each aircraft, boat,  
21          railway car, or locomotive sold at retail, including all accessories  
22          attached to the item when it is delivered to the ~~purchaser—purchaser, not~~  
23          to exceed one thousand five hundred dollars (\$1,500)."

24          Sec. 5. G.S. 20-88.01, as amended by Section 6.1 of Chapter 692, Session  
25 Laws of 1989, reads as rewritten:

26          "**§ 20-88.01. Revocation of registration for failure to register for or comply with**  
27          **road tax.**

28          The Secretary of Revenue may notify the Commissioner of those motor vehicles that  
29          are registered or are required to be registered under Article 36B of Chapter 105 and as  
30          ~~appropriate, whose owners or lessees—lessees, as appropriate,~~ are not in compliance with  
31          Article 36A or 36B of Chapter 105. When notified, the Commissioner shall withhold or  
32          revoke the registration plate for the vehicle."

33          Sec. 6. G.S. 136-176(a)(3), as enacted by Section 1.1 of Chapter 692, Session  
34 Laws of 1989, reads as rewritten:

35          "(3) Revenue from the certificate of title fee and other fees payable when a  
36          ~~certificate of title is issued for a motor vehicle under G.S. 20-85."~~

37          Sec. 7. G.S. 136-17.2A(c), as enacted by Section 1.4 of Chapter 692, Session  
38 Laws of 1989, is amended by redesignating subdivision (3) as subdivision (2).

39          Sec. 8. G.S. 105-174, as enacted by Section 4.1 of Chapter 692, Session  
40 Laws of 1989, reads as rewritten:

41          "**§ 105-174. Penalties and remedies.**

42          (a) Penalties. ~~The penalties that apply to a failure to pay State sales and use taxes~~  
43          ~~apply to a failure to pay the tax levied by this Article—penalty for bad checks in G.S. 105-~~  
44          236(1) applies to a check offered in payment of the tax imposed by this Article. In

1 addition, if a check offered to the Division in payment of the tax imposed by this Article  
 2 is returned unpaid and the tax for which the check was ~~offered~~ offered, plus the penalty  
 3 imposed under G.S. 105-236(1), is not paid within 30 days after the Commissioner  
 4 demands its payment, the Commissioner may revoke the registration plate of the vehicle  
 5 for which a certificate of title was issued when the check was offered.

6 (b) Unpaid Taxes. The remedies for collection of taxes in G.S. 20-99 apply to the  
 7 taxes levied by this Article and collected by the Commissioner.

8 (c) Appeals. A taxpayer who disagrees with the presumed value of a motor  
 9 vehicle must pay the tax based on the presumed value, but may appeal the value to the  
 10 Commissioner. A taxpayer who appeals the value must provide two estimates of the  
 11 value of the vehicle to the Commissioner. If the Commissioner finds that the value of  
 12 the vehicle is less than the presumed value of the vehicle, the Commissioner shall  
 13 refund any overpayment of tax made by the taxpayer with interest at the rate specified  
 14 in G.S. 105-241.1 from the date of the overpayment.

15 ~~In applying the provisions of Article 9 of this Chapter to the tax levied by this~~  
 16 ~~Article, the Commissioner shall exercise the power conferred upon the Secretary. A~~  
 17 ~~taxpayer who appeals the tax imposed by this Article shall appeal to the Commissioner~~  
 18 ~~or the Commissioner's designee instead of to the Secretary."~~

19 Sec. 9. G.S. 105-170(a), as enacted by Section 4.1 of Chapter 692, Session  
 20 Laws of 1989, reads as rewritten:

21 "(a) Full Exemptions. The tax imposed by this Article does not apply when a  
 22 certificate of title is issued as the result of a transfer of a motor ~~vehicle-vehicle~~:

23 (1) To ~~to~~ the insurer of the motor vehicle under G.S. 20-109.1 because the  
 24 vehicle is a salvage vehicle.

25 (2) To either a manufacturer, as defined in G.S. 20-285, or a motor vehicle  
 26 retailer for the purpose of resale."

27 Sec. 10. G.S. 105-170(b)(4), as enacted by Section 4.1 of Chapter 692,  
 28 Session Laws of 1989, reads as rewritten:

29 "(4) ~~To one of the following for the purpose of resale:~~

30 a. ~~A motor vehicle retailer.~~

31 b. ~~A~~ a secured party who has filed a security interest in the motor  
 32 vehicle with the Department of the Secretary of State."

33 Sec. 11. G.S. 20-85(a), as amended by Section 2.1 of Chapter 692, Session  
 34 Laws of 1989, is amended by adding a new subdivision to read:

35 "(9) Each application for certificate of title for a motor vehicle transferred  
 36 to a manufacturer, as defined in G.S. 20-285, or a motor vehicle  
 37 retailer for the purpose of resale..... 10.00."

38 Sec. 12. G.S. 136-44.8, as enacted by Section 1.18 of Chapter 692, Session  
 39 Laws of 1989, is recodified as G.S. 136-28.7.

40 "Part II of this act shall become effective August 15, 1989."

41 Sec. 13. G.S. 105-167(b), as enacted by Section 4.1 of Chapter 692, Session  
 42 Laws of 1989, is rewritten to read:

43 "(b) Retail Value. The retail value of a motor vehicle for which a certificate of  
 44 title is issued because of a sale of the motor vehicle by a retailer is the sales price of the

1 motor vehicle, including all accessories attached to the vehicle when it is delivered to  
2 the purchaser, less the amount of any allowance given by the retailer for a motor vehicle  
3 taken in trade as a partial payment for the purchased motor vehicle. The retail value of  
4 a motor vehicle for which a certificate of title is issued because of a sale of the motor  
5 vehicle by a seller who is not a retailer is the market value of the vehicle, value of the  
6 ~~vehicle set in a schedule of values adopted by the Commissioner,~~ less the amount of any  
7 allowance given by the seller for a motor vehicle taken in trade as a partial payment for  
8 the purchased motor vehicle. The retail value of a motor vehicle for which a certificate  
9 of title is issued because of a reason other than the sale of the motor vehicle is the  
10 market value of the vehicle-vehicle. The market value of a vehicle is presumed to be the  
11 value of the vehicle set in a schedule of values adopted by the Commissioner."

12 Sec. 14. G.S. 136-28.7(a), as enacted by Section 1.18 of Chapter 692,  
13 Session Laws of 1989, is rewritten to read:

14 "(a) The Department of Transportation shall require that every contract for  
15 construction or repair necessary to carry out the provisions of this Chapter shall contain  
16 a provision requiring ~~that steel and cement used or supplied in the performance of the~~  
17 ~~contract or any subcontract thereunder are produced in the United States~~ all steel, cement, and  
18 aggregate products permanently incorporated into the construction or repair project be  
19 produced in the United States."

20 Sec. 15. G.S. 136-28.7, as enacted by Section 1.18 of Chapter 692, Session  
21 Laws of 1989, is amended by designating subsection (c) as subsection (d) and inserting  
22 a new subsection (c) to read:

23 "(c) The Department of Transportation shall apply this section consistent with the  
24 requirements in 23 C.F.R. § 635.410."

25 Sec. 16. G.S. 136-12(b), as amended by Section 1.3 of Chapter 692, Session  
26 Laws of 1989, reads as rewritten:

27 "(b) At least ~~25-30~~ days before it approves a Transportation Improvement Program  
28 in accordance with G.S. 143B-350(f)(4) or approves interim changes to a Transportation  
29 Improvement Program, the Department shall submit the proposed Transportation  
30 Improvement Program or proposed interim changes to a Transportation Improvement  
31 Program to the following members and staff of the General Assembly:

- 32 (1) The Speaker and the Speaker Pro Tempore of the House of  
33 Representatives;
- 34 (2) The Lieutenant Governor and the President Pro Tempore of the  
35 Senate;
- 36 (3) The Chairs of the House and Senate Appropriations Committees;
- 37 (4) Each member of the Joint Legislative Highway Oversight Committee;  
38 and
- 39 (5) The Fiscal Research Division of the Legislative Services  
40 Commission."

41 Sec. 17. Section 1 of this act shall become effective October 1, 1989, and  
42 shall not affect pending litigation. Sections 2, 3, 4, 8, 9, 10, 11, and 13 shall become  
43 effective October 1, 1989. Section 5 shall become effective January 1, 1990. Section

- 1 12 shall become effective August 1, 1989. The remaining sections are effective upon
- 2 ratification.