

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 599

Short Title: Impounding Vehicles with Lapsed/No Insurance. (Public)

Sponsors: Representative Cleveland (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Insurance, if favorable, Judiciary I.

April 9, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE VEHICLE BEING OPERATED BY A DRIVER WHO HAS
3 FAILED TO MAINTAIN FINANCIAL RESPONSIBILITY TO BE SEIZED AND
4 FORFEITED TO THE STATE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 2 of Chapter 20 of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 20-28.10. Seizure, impoundment, forfeiture of motor vehicles for driving without**
9 **insurance.**

10 (a) Authority. – A vehicle driven by a person who commits any of the following
11 offenses shall be subject to seizure, impoundment, and forfeiture:

12 (1) A violation of G.S. 20-313.

13 (b) Exceptions. – If any of the following conditions are satisfied, a vehicle shall not
14 become subject to an order of forfeiture under this section:

15 (1) The underlying violation is a violation of G.S. 20-313 and the defendant
16 tenders proof of financial responsibility that satisfies the requirements of
17 G.S. 20-7(c1) to the judge.

18 (c) Governing Law and Procedures. – The laws and procedures governing the seizure,
19 impoundment, and forfeiture of vehicles under this section shall be the same as those set forth
20 in G.S. 20-28.2 through G.S. 20-28.9. Wherever those statutes refer to a particular underlying
21 offense, they shall, for purposes of this section, be construed to refer to the applicable violation
22 of subsection (a) of this section. Furthermore, for purposes of this section, an innocent owner
23 shall be a person who did not know and had no reason to know that the defendant was engaging
24 in a violation of subsection (a) of this section."

25 **SECTION 2.** G.S. 20-313(a) reads as rewritten:

26 "(a) On or after July 1, 1963, any owner of a motor vehicle registered or required to be
27 registered in this State who shall operate or permit such motor vehicle to be operated in this
28 State without having in full force and effect the financial responsibility required by this Article
29 shall be guilty of a Class 3 ~~misdemeanor~~-misdemeanor, and the motor vehicle that was operated
30 in violation of this section becomes property subject to forfeiture in accordance with the laws
31 and procedures set forth in G.S. 20-28.2 through G.S. 20-28.9."

32 **SECTION 3.** This act becomes effective December 1, 2015, and applies to
33 offenses committed on or after that date.

